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13 September 2024

PLANNING COMMITTEE

A meeting of the **Planning Committee** will held on **Monday, 23rd September, 2024** in the Council Chamber, Forde House, Brunel Road, Newton Abbot, TQ12 4XX at **10.00 am**

PHIL SHEARS
Managing Director

Membership: Councillors Atkins, Bradford, Bullivant, Goodman-Bradbury, Hall, Hook, MacGregor, Nutley, Nuttall, Palethorpe, C Parker (Chair), Parrott, Sanders, J Taylor, vacancy, D Cox (Vice-Chair) and Buscombe

Substitutes: Councillors Williams, Clearance, Gearon, P Parker, Ryan, Wrigley and Smith

Please Note: The public can view the live streaming of the meeting at [Teignbridge District Council Webcasting \(public-i.tv\)](#) with the exception where there are confidential or exempt items, which may need to be considered in the absence of the press and public.

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Public Access Statement

Information for the Public

There is an opportunity for members of the public to speak on planning applications at this meeting. Full details are available online at www.teignbridge.gov.uk/planningcommittee.

Please email democraticsservicestdc@teignbridge.gov.uk or phone 01626 215112 to request to speak by **12 Noon** two clear working days before the meeting. This will be on a Thursday before the meeting if the meeting is on a Tuesday.

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General information about Planning Committee, delegated decisions, dates of future committees, public participation in committees as well as links to agendas and minutes are available at www.teignbridge.gov.uk/planningcommittee

The Local Plan 2014-2033 is available at
<https://www.teignbridge.gov.uk/media/1669/local-plan-2013-33.pdf>

A G E N D A

PART I **(Open to the Public)**

1. Apologies for absence.
2. Minutes (Pages 5 - 22)
To confirm the minutes of the last meeting.
3. Declarations of Interest.
If Councillors have any questions relating to predetermination or interests in items on this Agenda, please contact the Monitoring Officer in advance of the meeting.
4. Public Participation
The Chairman to advise the Committee on any requests received from members of the public to address the Committee.
5. Chairs' Announcements
6. Planning applications for consideration - to consider applications for planning permission as set out below.

- a) 23/00597/MAJ - Wolborough Barton, Newton Abbot (Pages 23 - 48)
- b) 23/01310/MAJ - Wolborough Vistry , Newton Abbot (Pages 49 - 76)

7. Planning Committee Report Validation Guides (Pages 77 - 140)

8. Appeal Decisions - to note appeal decisions made by the Planning Inspectorate. (Pages 141 - 142)

9. S73 Major Decisions Summary (Pages 143 - 144)

For Information - Upcoming Site Visit Dates

17 October, 14 November, 12 December

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PLANNING COMMITTEE**20 AUGUST 2024**Present:

Councillors Atkins, Bradford, Bullivant, Hall, Hook, MacGregor, Nutley, Nuttall, Palethorpe, C Parker (Chair), Parrott, Sanders, J Taylor, D Cox (Vice-Chair) and Buscombe

Members in Attendance:

Councillors P Parker

Apologies:

Councillors Goodman-Bradbury

Officers in Attendance:

Paul Woodhead, Head of Legal Services & Monitoring Officer
Gary Crawford, Planning Officer
Patrick James, Planning Officer
Helen Murdoch, Senior Planning Officer
Christopher Morgan, Trainee Democratic Services Officer
Vanessa Coon, Democratic Services Admin Assistant

40. MINUTES

It was proposed by Councillor C Parker and seconded by Councillor Cox that the minutes of the previous meeting be agreed as a correct record and signed by the Chair.

A vote was taken.

Resolved

That the minutes of the previous meeting be agreed as a correct record and signed by the Chair.

41. DECLARATIONS OF INTEREST.

Councillor Macgregor declared an interest in item 6b due to his friendship with the applicant. He spoke on this item but did not vote.

Councillor Buscombe declared an interest in item 6c due to his role as Executive Member for Teignbridge 100. He did not speak or vote on this item and left the room during its consideration.

42. CHAIRS' ANNOUNCEMENTS

The Chair announced that items 6e and 6f had been withdrawn due to a late representation from GWP Consultants that had been sent out to Committee members on Saturday. Officers therefore were not aware of it until the Monday and required additional time to read and consider the information.

The Chair also announced that item 7a had been withdrawn due to further information received that needed further investigation.

43. 24/00805/FUL - SELF BUILD PLOT 69 ,TAVERNERS LANE, CHUDLEIGH

The Planning Officer presented the application to the Committee.

Public Speaker, Supporter - Spoke on:

- No objections from any consultee officers
- Result of self build policy from Local Plan
- Helps promote sustainable local economy
- Neighbouring plot has begun construction
- Inspired by characteristics in Teignbridge design guide and Chudleigh conservation area.

Comments from Councillors included:

- Tall building on top of a hill
- Is there an explanation of conditions
- Are conditions reasonable and affordable
- Who will enforce bat protection
- How long will it take for hedge to grow

In response Officers clarified:

- Mix of build forms that would be in the town
- Page 16 includes explanation of condition
- Other sites cannot be commented on
- Condition 3 includes a fence on the eastern boundary to protect bats
- Hedge will be in place early
- Members of public can report concerns to be enforced

A member asked a question regarding the CIL liability on self-build plots. The Interim Head of Development advised that the calculations were carried out and an exemption process would need to be completed.

It was proposed by Cllr Cox and seconded by Cllr Hook that permission be granted as set out in the agenda report.

A vote was taken. The result was 11 for, 0 against, and 2 abstentions.

Resolved

That permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun before the expiry of three years from the date of this permission.

REASON: In accordance with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the application form and the following approved plans/documents:

Date Received	Drawing/Reference No.	Description
17 May 2024	0888 DR-1101 REV U	Drainage Plan Sheet 1
09 July 2024	6124.PL1 REV C	Elevations and Floor Plans
09 July 2024		Carbon Reduction Statement
10 July 2024	6124.PL2 REV C	Site Plan

REASON: In order to ensure compliance with the approved drawings

3. No development above damp-proof course (dpc) level shall take place until details including exact location, extent, height, design, and materials of a temporary fence along the eastern boundary of the site, have been submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation of the hereby approved dwelling, the fence shall then be erected in accordance with the approved details and shall thereafter be maintained and retained until the hedge required by Condition 7 of this permission is established and maintained at a height of at least 2.5m.

REASON: To ensure that light spill from the development does not adversely impact the integrity of the South Hams SAC designated for legally protected greater horseshoe bat species during the period it takes for the eastern boundary hedge to be established.

4. No development above damp-proof course (dpc) level shall take place until details of the materials to be used on all external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of ensuring that the development assimilates into the character of the surrounding area.

5. No development above damp-proof course (dpc) level shall take place until full details of hard and soft landscaping works, including an implementation and management plan, have been submitted to and approved in writing by the Local Planning Authority. Details of soft landscape works shall include retention of any existing trees and hedges, finished levels/contours and new planting details. The hard landscape

works details shall include means of enclosure, boundary and surface treatments. All works shall be carried out in accordance with the approved details and the implementation plan, and thereafter maintained in accordance with the approved plan.

REASON: In the interest of legally protected bat species, and in the interest of ensuring appropriate appearance of the site which assimilates with the character of the surrounding area.

6. Prior to the first installation of the bin store as identified on drawing numbered 612.PL2 Rev C – Site Plan, details of its size, material, and appearance shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interest of ensuring that the frontage of the dwelling assimilates into the character of the surrounding area.

7. The dwelling hereby approved shall not be occupied until such a time as the eastern boundary hedge approved as part of applications 16/02423/MAJ and 21/00416/MAJ, has been implemented, in strict accordance with the following approved documents:
 - Greater Horseshoe Bat Mitigation Plan dated November 2017 (Reference: 667_GHMP_04) approved under application reference 16/02423/MAJ.
 - Landscape Specification Details dated October 2017 (Reference: 1807 05) approved under planning application reference 16/02423/MAJ.
 - Proposed Boundaries Plan dated January 2021 (Reference: 7359 PL104 Rev A) approved under planning application reference 21/00416/MAJ.
 - Landscape and Ecology Management Plan dated July 2022 (Reference: 0926-LEMP-DM Rev 2) approved under planning application reference 21/00416/MAJ.

In the event that the eastern boundary hedge is removed, becomes severely damaged, seriously diseased or dies, within 1 month of such an event details of alternative hedge planting shall be submitted to and approved in writing by the Local Planning Authority; this shall include an implementation and management strategy. The alternative hedge planting shall then be undertaken and subsequently managed in accordance with the approved details. The fencing approved under condition 3 shall be reinstated within one month of the loss of the original hedge and retained until the replacement hedge establishes. The provisions of this condition will apply to any subsequent hedge.

REASON: To ensure that light spill from the development does not adversely impact the integrity of the South Hams SAC designated for legally protected greater horseshoe bat species.

8. Prior to the first occupation of the hereby approved dwelling, at least one bat box and one bird box shall be installed on site which shall thereafter

be maintained (or replaced where repair is not feasible) and retained for the lifetime of the development.

REASON: In the interest of achieving biodiversity net gain on site and for the benefit of legally protected bat and bird species.

9. Prior to the first occupation of the hereby approved dwelling, at least two hedgehog passes measuring 13cm by 13cm shall be inserted at ground level into any solid barriers such as fences or walls, which shall then be maintained and retained for the lifetime of the development.

REASON: In the interest of achieving biodiversity net gain on site.

10. Prior to the first occupation of the hereby approved dwelling, parking facilities shall be provided and thereafter permanently retained for the parking of vehicles in accordance with drawing reference 612.PL2 Rev C – Site Plan.

REASON: To ensure adequate parking facilities are provided to serve the development.

11. The development hereby permitted shall be carried out in accordance with the definition of 'self-build and custom housebuilding' as set out in section 1(A1) of the Self-build and Custom Housebuilding Act 2015 (as amended) and the dwelling hereby permitted shall be built by or completed by individuals, associations of individuals, or persons working with or for individuals or associations of individuals, for their own occupation.

REASON: To ensure that the development hereby permitted complies with the self-build and custom build exemption for the purposes of the Biodiversity Gain Plan Condition and in the interests of fulfilling self-build and custom build demand within Teignbridge.

12. Notwithstanding Section 55(2) of the Town and Country Planning Act 1990 and/or the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Act and Order with or without modification), no new glazed openings (including windows and doors) shall be made, inserted or constructed on the east elevation of the hereby approved dwelling as defined on drawing numbered 6124.PL1 Rev C – Elevations and Floor Plans hereby approved.

REASON: To maintain an open flyway for SAC bats which are light-averse along the edge of the woodland.

13. Notwithstanding Section 55(2) of the Town and Country Planning Act 1990 and/or the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Act and Order with or without

modification), no pedestrian or vehicular access shall be created through the eastern boundary of the site into the adjacent dark corridor.

REASON: In the interest of maintaining an undisturbed open flyway for SAC bats.

14. Notwithstanding Section 55(2) of the Town and Country Planning Act 1990 and/or the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no external lighting shall be installed on, or in association with, the new dwelling, without details first being submitted to and approved in writing by the Local Planning Authority. Any external lighting shall be low-lumen, LED, PIR motion-activated lights on a short timer (maximum 1 minute), sensitive to large objects only (to avoid triggering by bats or other wildlife). Any such lights shall be mounted in association with doors only, at a height no greater than 1.9m from ground level, directed and shielded downward and away from hedges and trees. The lights shall produce only narrow spectrum, low-intensity light output, UV-free, with a warm colour-temperature (2,700K or less) and a wavelength of 550nm or more.

REASON: To safeguard foraging and commuting paths for legally protected bats, including bats from the South Hams SAC.

44. 19/01090/FUL - HIGHER INGSDON QUARRY, KNIGHTON CROSS, INGSDON HILL, LIVERTON

The Planning Officer introduced the application to the Committee.

Public Speaker, Supporter -Spoke on:

- Families born locally
- Static caravans
- No objections

Comments from Councillors included:

- Retrospective application from a Councillor
- How long have we had the land supply for Gypsy and Traveller Sites

Officers responded that the supply had been since April 1 2024.

It was proposed by Councillor Bullivant and seconded by Councillor Hall that the application be approved as set out in the report.

A vote was taken – the results were 14 for and 0 against.

Resolved

That permission be granted subject to the following conditions:

1. The works hereby permitted shall be carried out in accordance with the application form and the following approved plans/documents:

Date Received	Drawing/reference number	Description
28 Jun 2019		Foul Drainage Assessment Form (FDA)
28 Jun 2019		Block Plan
31 Jul 2019	P01	Site Location Plan

REASON: In order to ensure compliance with the approved drawings.

2. No external lighting shall be installed on, or in association with the caravan pitches hereby approved, except for low-intensity, PIR motion-activated lights on a short timer (maximum 2 minutes), sensitive to large objects only (to avoid triggering by bats or other wildlife). Any lights should be mounted at a height no greater than 1.9m from ground level, directed/cowled downwards and away from hedges and trees. The lights should produce only narrow spectrum, low-intensity light output, UV-free, with a warm colour-temperature (2,700K or less) and a wavelength of 550nm or more.

REASON: For protection of legally protected light-sensitive bats.

3. The site shall not be occupied by any persons other than gypsies and travellers as defined in paragraph 1 of Annex 1 of DLUHC Planning Policy for Traveller Sites, December 2023.

REASON: Permission for residential occupation of the site is only granted by reason of the special circumstances of gypsies/travellers.

4. The site shall accommodate no more than six gypsy and traveller pitches at any time. Any static caravan unit stationed on the site at any time must meet the definition of a caravan as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968. There shall be no more than six touring caravans parked/stored on the site, which shall all be associated with the six hereby permitted pitches.

REASON: In order to ensure compliance with the terms of the permission.

45. 23/01897/MAJ - CAR PARK ADJACENT SHERBOURNE HOUSE, KINGSTEIGNTON ROAD, NEWTON ABBOT

The Senior Planning Officer introduced the application to the Committee.

Comments from Councillors during debate included:

- Concerns about parking
- NHS building parking and proximity
- Concerns about loss of tree at entrance and possibility of TPO
- Site would be in flood zone 2
- Concerns about overlooking

- Concerns about the design including the colour
- Loss of light
- Site is brown field and in town centre
- Sustainable
- Site is a visual improvement
- 100 percent affordable homes
- Helps residents looking to downsize, in turn freeing up larger homes
- Concerns about traffic
- Balcony may overlook
- Involvement of highways
- Need to ensure building stays clean
- Importance of site notices/notifying neighbours
- Condition for sustainable travel plan
- Ward member would be involved in overview of development

In response, Officers clarified the following:

- Bottom of site in flood zone 3, the proposed building is in zone 2. Cannot say what the history of flooding is on site.
- Neighbouring business have their own allocated parking
- Tree is retained in scheme
- Precise cladding colours will be determined by the supplier
- Cannot condition any traffic impact on cricketfield or traffic
- Building is angled to prevent impact on neighbours
- Conditions would be discharged by officers
- Conditions can be added regarding colour
- Applicant didn't include planning officer in discussions with highways officer at Devon County
- Site notices went out locally
- Drop in sessions for the community to give feedback
- Will meet with ward member during site development

It was proposed Cllr Hook by and seconded by Cllr Hall that permission be granted as set out in the report and update sheet, plus a condition requiring submission of a sustainable travel plan.

A vote was taken. The results were 12 for, 1 against, and 1 abstention.

Resolved

That permission be granted subject to the following conditions.

1. The development hereby permitted shall begin before the expiry of three years from the date of this permission.

REASON: In accordance with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the application form and the following approved plans/documents

Date Received	Drawing/reference number	Description
18 Oct 2023	A.11	Green Infrastructure Strategy
18 Oct 2023		Environmental statement
18 Oct 2023		Air quality assessment
18 Oct 2023		PHPP Assessment
18 Oct 2023		Affordable housing statement
18 Oct 2023		Biodiversity survey and report
06 Nov 2023		Energy Statement
06 Nov 2023		Carbon Reduction
07 Nov 2023		Tree Survey
07 Nov 2023	05949TCP 17.3.23 1OF1	Tree Survey plan
07 Nov 2023	05949TPP 25.10.23 1OF1	Tree Survey plan
07 Nov 2023		Arboricultural Impact Assessment
18 Oct 2023		Transport assessment
19 Jan 2024	01-ATR-101 REV A	Swept Path Analysis - Parallel Parking
01 Mar 2024	A.08 REV 02	Site Plan
01 Mar 2024	A.14 REV 01	1st and 2nd Floor Plan
01 Mar 2024	A.15 REV 01	3rd Floor Plan
01 Mar 2024	A.16 REV 01	Roof Plan
17 Apr 2024	ACA0015/1/0	Archaeological Report
16 May 2024	2106 A.13 REV 02	Proposed Ground Floor Plan
16 May 2024	2106 SE3 S.01	External Material References
06 Jun 2024		Waste Audit Statement
19 Jun 2024	A.19 REV 02	North East Elevation
19 Jun 2024	A.20 REV 02	South West Elevation
19 Jun 2024	A.12	Facade Materials
19 Jun 2024	A.18 REV 02	Street Elevations
27 Jun 2024	A.35	Window Reveal Detail
27 Jun 2024	A.36	Window Cill Detail
27 Jun 2024	A.37	Window Head Detail
27 Jun 2024	A.38	Roof Junction Detail
27 Jun 2024	A.39	External Corner Detail
08 Jul 2024	A.47	Corner Detail/Standing Seam
08 Jul 2024	A.46	Window Reveal - Standing Seam
08 Jul 2024	A.45	Window Reveal -

		Standing Seam
08 Jul 2024	A.44	Window Head - Standing Seam
08 Jul 2024	A.43	Window Cill - Standing Seam
08 Jul 2024	A.42	Window Reveal - Brick
08 Jul 2024	A.41	Window Head - Brick
08 Jul 2024	A.41	Window Cill - Brick
15 Jul 2024		Drainage Strategy
1 Aug 2024		Affordable Housing Statement

REASON: In order to ensure compliance with the approved drawings.

3. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for an investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this contamination shall be dealt with.

Development shall not thereafter proceed unless in strict accordance with the measures identified in the approved remediation strategy and verification plan. Prior to occupation of any part of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority.

REASON: To ensure that any unexpected contamination that is uncovered during remediation or other site works which may have migrated into the application site is dealt with appropriately.

4. The development shall proceed in accordance with the Written Scheme of Investigation prepared by AC Archaeology - (document ref: ACA0015/1/0 and dated: 22nd February 2024) and submitted in support of this planning application. The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

REASON: To ensure, in accordance with paragraph 211 of the National Planning Policy Framework (2023) and the supporting text in paragraph 5.17 of the Teignbridge Local Plan Policy EN5 (adopted 2013), that an appropriate record is made of archaeological evidence/historic building fabric that may be affected by the development.

5. The development shall not be occupied until (i) the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation and (ii) that the provision made for analysis,

publication and dissemination of results, and archive deposition, has been confirmed in writing to, and approved by, the Local Planning Authority.

REASON: To comply with Paragraph 211 of the NPPF (2023), which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure that the information gathered becomes publicly accessible.

6. Works required to implement the development hereby approved shall proceed only in accordance with the recommendations set out in the ecology report hereby approved. Prior to first occupation of the development hereby approved, the biodiversity enhancement measures set out in the approved ecology report by Ecologic dated 27 September 2023 (especially Section 6) shall be implemented in accordance with the details set out in the report.

REASON: In the interests of protected species and biodiversity enhancement as required by policy EN8.

7. Within three months of works commencing on site full details of hard and soft landscape works, including an implementation and management plan, shall have been submitted to the Local Planning Authority for written approval.

Details of soft landscape works shall include retention of any existing trees and hedges; finished levels/contours; planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.

The hard landscape works shall include means of enclosure; boundary and surface treatments; vehicle and pedestrian/cyclist circulation; structures (furniture, signs and all external lighting (to be accompanied by Lighting Report)); proposed and existing service lines. All works shall be carried out in accordance with the approved details and the implementation plan and thereafter maintained in accordance with the approved management plan.

REASON: To secure a landscape scheme that will complement the development in the interests of visual amenity and amenity of residents.

8. Works shall proceed in strict accordance with the hereby approved Tree Protection Plan 05949 TPP 24.10.23. Tree protection fencing shall be in place prior to any works commencing on site and the developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development the subject of this permission is completed.

REASON: To protect the tree in the interests of visual amenity. The fencing must be in place prior to commencement to ensure appropriate protection of the tree.

9. Prior to the commencement of development a Construction Environmental Management Plan shall have been first submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall specify details to include:
 - The hours of demolition/construction works (including hours of site deliveries, parking of vehicles of site operatives and visitors)
 - Number and size of vehicles visiting the site in connection with the development and the frequency of their visits
 - Timetable for the works including expected timescales for each aspect of construction
 - Any road closure
 - Details of proposals to promote car sharing amongst construction staff in order to limit construction vehicles parking off-site
 - Loading and unloading of plant and machinery
 - Facilities for the storage of plant, machinery and materials used in the construction of the development
 - The erection and maintenance of security hoardings
 - Wheel washing facilities
 - Measures to control the emission of dust, noise, vibration and dirt during construction
 - A scheme for the recycling/disposal of waste resulting from the construction works
 - The proposed route for all construction traffic exceeding 7.5 tonnes
 - Details of the amount and location of construction worker parking
 - Photographic evidence of the condition of the adjacent public highway prior to the commencement of any work
 - Identification of particularly intrusive construction practices i.e piling and the subsequent control measures that will be implemented
 - The type of plant to be used
 - Arrangement to be implemented for effective communication with the local community regarding forthcoming, potentially intrusive works
 - Methods for monitoring noise, dust, vibrations and frequency
 - Detailed proposals for the management of surface water and silt runoff from the site during construction

The development shall only be carried out in strict accordance with the approved details.

REASON: In the interests of local amenity and highway safety.
Construction management details need to be agreed prior to works commencing as matters require oversight from that time.

10. Prior to their first installation full details of the proposed solar panels shall be submitted to and approved in writing by the Local Planning Authority. The approved panels shall be installed prior to first occupation.

REASON: In the interests of carbon reduction and visual amenity.

11. Prior to works exceeding damp proof course (dpc) the following full architectural details shall be submitted to and approved in writing by the Local Planning Authority:

- External doors
- Windows
- Rainwater goods
- Meter boxes, including location, to be, as far as is possible, not located on a principal elevation.
- Details of ASHPs, solar panels and any mechanical ventilation plant including location.
- Bin and Bike store doors
- Garage Screens

Works shall proceed in accordance with the approved details.

REASON: In the interests of the appearance of the building and wider visual amenity.

12. Prior to first occupation of the development hereby approved, a Flood Warning and Evacuation Plan shall be submitted to and approved in writing by the Local Planning Authority. The Flood Warning and Evacuation Plan must include:

- The necessity of including the building on the Environment Agency's Flood Warning system for the lifetime of the Development
- Trigger levels for evacuation
- The access and egress route in the event of a flood.

The Emergency Plan must be provided to future occupants of the development within sales or tenancy documents.

REASON: For the avoidance of doubt and to ensure the safety of occupants

13. Prior to the commencement of development a detailed drainage design based upon the approved Drainage Strategy Report (Report Ref: 18349/DS/R6 Revision 6 dated 11 July 2024) shall be submitted to and approved in writing by the Local Planning Authority. Works shall proceed in accordance with the approved details.

REASON: To ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The condition is pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

14. Prior to first occupation of the development hereby approved full details of the responsibilities of a management company responsible for the maintenance of the on-site communal areas both internally and externally shall be submitted to and approved in writing by the Local Planning Authority. The on-site communal areas shall thereafter be maintained in accordance with the approved details.

REASON: To ensure that the on-site communal areas are appropriately maintained in the interests of visual and residential amenity.

15. Prior to first occupation of the development hereby approved a report shall be submitted to the Local Planning Authority confirming that the measures and levels (to achieve "Good" criteria (without observed impact)) set out in the Noise Impact Assessment by inacoustic dated 24th June 2024 Version 4 have been met.

REASON: In the interests of residential amenity

16. Prior to first occupation of the development hereby approved the electric vehicle charging points x2 shall be installed at the site and shall be commissioned and available for use. The charging points shall as a minimum be a 32A (7.3kW) Mode 3 unit and shall be maintained in good working order thereafter as specified by the manufacturer.

REASON: In the interest of carbon reduction.

17. The development shall proceed in accordance with the hereby approved Affordable Housing Statement and the housing shall be delivered, maintained and let in accordance with the details as set out within the Statement in perpetuity.

REASON: To ensure that the development delivers the Affordable Housing as set out and that it is retained in perpetuity

18. A report shall be provided clearly demonstrating the methods to be employed to stop noise and vibration problems at the neighbouring properties from the use of any mechanical systems (such as ASHPs and Mechanical Ventilation systems). The noise survey method British Standard: BS4142:2014+A1:2019, Method for rating industrial noise affecting mixed residential and industrial areas should be used. These methods shall be agreed in writing by Local Planning Authority and implemented accordingly prior to first occupation.

REASON: In the interests of neighbouring amenity.

19. Submission of a Sustainable Travel Plan prior to first occupancy.
20. Prior to the first installation of any material and the construction of the exterior of the building, full details and samples of all materials to be used on the external surfaces will be submitted to and approved in writing to

the Local Planning Authority. This should include colour, finish, and profile of any external cladding.

46. 24/00545/OUT - PUMPS ACRE, GREENHILL LANE, DENBURY

The Planning Officer introduced the item to the Committee.

Public Speaker, Objector – Spoke on:

- Speculative development
- Concerns around growth of village
- No local need for these types of dwellings
- No public good to alleviate any harm
- Impact on pedestrians
- Number of objections from village

Public Speaker, Supporter – Spoke on:

- Land already in local plan
- Boundary changes are in draft local plan
- Ecological assessment carried out
- Impact considered acceptable
- No objections from statutory consultees

Comments from Councillors during debate included:

- Concerns of Parish Council
- The wall that will be affected is in the conservation area
- Proposed entrance would be unattractive
- Limited impact
- Church can only be seen from the road outside the properties
- Concerns about access to public transport
- Condition 7 deals with road impact
- Harm to heritage assets
- No vehicles seen when visiting site
- Plenty of space on site for 3 dwellings
- Narrow lane
- Low quality tree to be removed
- Application considered premature
- NPPF paragraph 82 requires housing to support locals
- Dwellings too large
- Support in village for more moderate applications
- Site is in countryside
- Doesn't meet policies S21 and S22
- Application could use preexisting access
- Other local sites would better fit this development
- Removing stone from the wall would count as harm to a heritage asset
- Families may wish to use local school
- No objection to Saturday building work
- Maximum additional capacity allowed is 5 percent

- More moderately sized dwelling would attract younger locals to stay in the village
- Planning officers consider policies are met

In response Officers clarified the following:

- Not a speculative development
- Church tower can only just be seen from site
- No material harm to church
- Benefit would be provided through contributing towards solving housing crisis
- Need to improve Denbury Conservation Area
- High end dwellings
- Policy GP3 supports application
- Reuse of natural stone
- Minimised vehicle movements
- Applicants aren't required to provide fully detailed application
- Wall is not listed
- Officers have given their professional opinion regarding the relation between the application and policies

It was proposed by Councillor Hook and seconded by Councillor J Taylor that permission be refused due to the application not complying with policies S21, S22, GP3, and EN17.

A vote was taken. The result was 10 in favour, 3 against, and 1 abstention. Cllr Macgregor chose not to vote on this item.

Resolved

That permission be refused due to the application not complying with policies S21, S22, GP3, and EN17.

Note: The decision to refuse this application was contrary to Officer recommendation.

Members considered that the application provided less than substantial harm to the wall which is in the conservation area, lack of public benefit, parking issues, and a lack of need for the type of dwelling and housing numbers as considered in the Local Plan.

47. 23/00597/MAJ - WOLBOROUGH BARTON

The item was withdrawn by Officers before the start of the meeting.

48. 23/01310/MAJ - WOLBOROUGH GRANGE

The item was withdrawn by Officers before the start of the meeting.

49. ENFORCEMENT CASES

50. 20/00104/ENF - LAND KNOWN AS BOVEY HEATH FARM, NEWTON ROAD, BOVEY TRACEY

The item was withdrawn by Officers before the start of the meeting.

51. APPEAL DECISIONS - TO NOTE APPEAL DECISIONS MADE BY THE PLANNING INSPECTORATE.

The Committee noted the appeals decisions made by the Planning Inspectorate.

52. S73 MAJOR DECISIONS SUMMARY

The Committee noted the Major Decisions Summary sheet.

The meeting started at 10.02 am and finished at 12.50 pm.

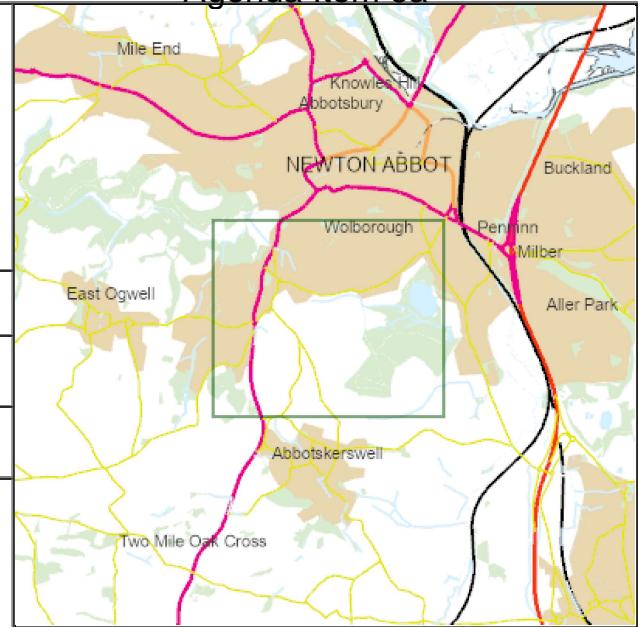
Chair
Cllr Colin Parker

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Planning Committee Report

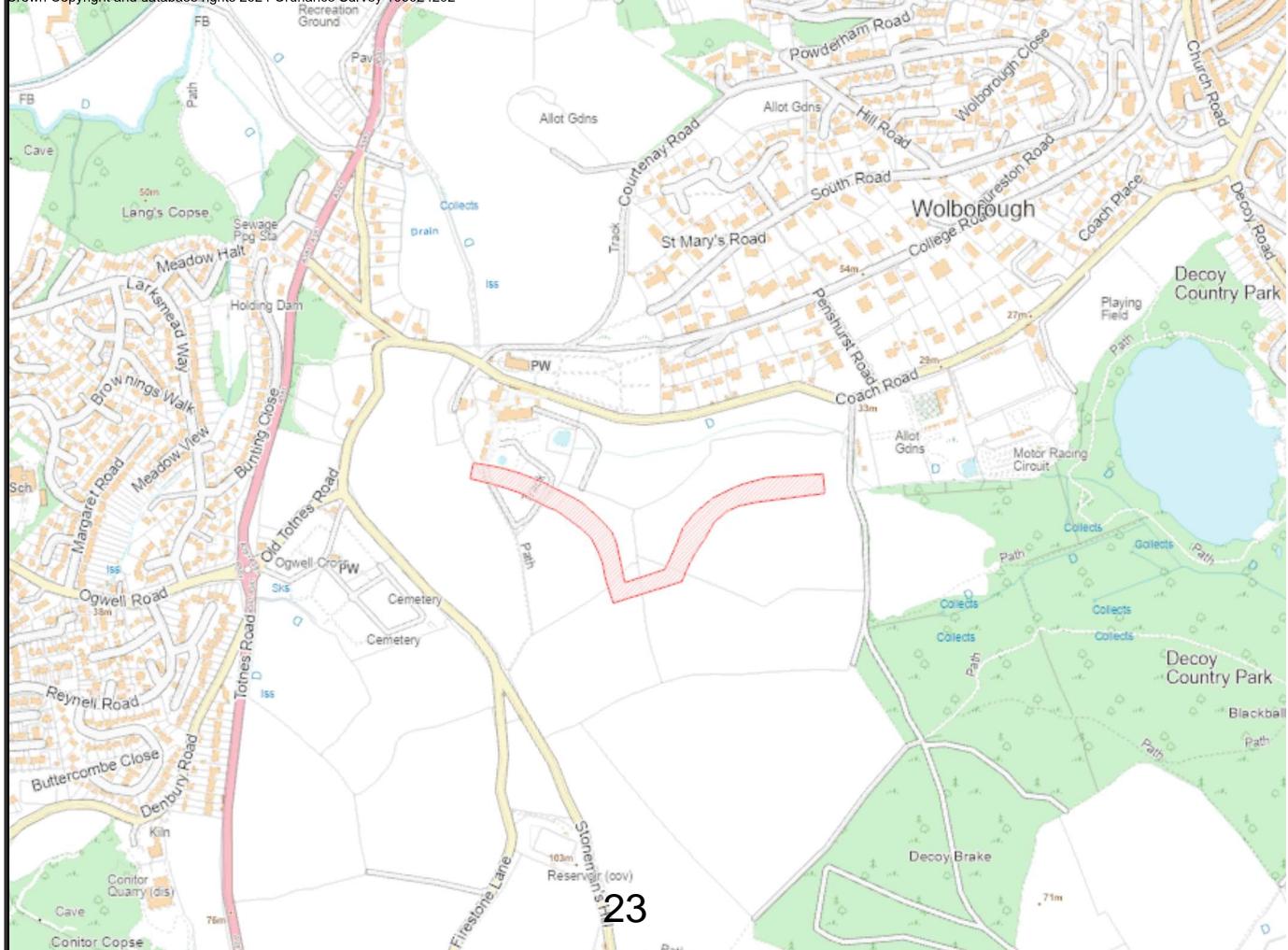
Chairman: Cllr Colin Parker

Date	23 September 2024
Case Officer	Patrick James
Location	Wolborough Barton Coach Road Newton Abbot Devon TQ12 1EJ
Proposal	Approval of reserved matters (appearance, layout, scale and landscaping) for a section of road (Phase 2.1) of the approved development in accordance with Condition 1 of outline permission 17/01542/MAJ (APP/P1133/W/18/3205558)
Applicant	Vistry Homes Limited Baker Estates Limited And The Rews
Ward	College
Member(s)	Cllr Janet Bradford, Cllr Liam Mullone
Reference	23/00597/MAJ

[Online Details and Documents](#)

RECOMMENDATION: RESERVED MATTERS APPROVAL

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1. REASON FOR REPORT

The Head of Development Management considers that the application merits oversight by the Planning Committee.

2. RECOMMENDATION

THAT RESERVED MATTERS APPROVAL BE GRANTED subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the application form and the following approved plans/documents:

Date Received	Drawing/reference number	Description
22 May 2024	19545-PHL-02-13 REV I	Highway Profiles Sheet 1 of 3
22 May 2024	19545-PHL-02-14 REV J	Highway Profiles Sheet 2 of 3
22 May 2024	19545-PHL-02-15 REV J	Highway Profiles Sheet 3 of 3
22 May 2024	19545-PHL-02-31 REV B	Cross Sections
22 May 2024	959-07	Phase 2 Infrastructure RMA Tree Pit Detail in verge
20 May 2024	959-01F	Phase 2 Infrastructure RM Application Boundary
20 May 2024	19545-PHL-02-27 REV A	Footway Gradients
20 May 2024	19545-PHL-02-23 REV K	Road Appearance Sheet 1 of 3
20 May 2024	19545-PHL-02-22 REV D	Site Clearance Plan Sheet 3 of 3
20 May 2024	19545-PHL-02-21	Site Clearance Plan Sheet 2 of 3
20 May 2024	19545-PHL-02-20 REV D	Site Clearance Plan Sheet 1 of 3
20 May 2024	19545-PHL-02-16 REV O	Forward & Junction Visibility Sheet 1 of 3
20 May 2024	19545-PHL-02-09 REV O	Extent of Adoption Sheet 1 of 3
05 Jul 2024	19545-PHL-02-25 REV I	Road Appearance Sheet 3 of 3
05 Jul 2024	19545-PHL-02-18 REV L	Forward & Junction Visibility Sheet 3 of 3
05 Jul 2024	19545-PHL-02-11 REV L	Extent of Adoption Sheet 3 of 3
05 Jul 2024	959-DB10A	Phase 2 Infrastructure RMA Landscape Section Details
11 Jul 2024	19545-PHL-02-01 REV O	Highway Layout Sheet 1 of 3
11 Jul 2024	19545-PHL-02-03 REV O	Highway Layout Sheet 3 of 3
12 Jul 2024	19545-PHL-02-02 REV R	Highway Layout Sheet 2 of 3
12 Jul 2024	19545-PHL-02-05 REV T	Swept Path Analysis-Bus
12 Jul 2024	19545-PHL-02-06 REV P	Swept Path Analysis Sheet 1 of
12 Jul 2024	19545-PHL-02-10 REV O	Extent of Adoption Sheet 2 of 3
12 Jul 2024	19545-PHL-02-17 REV N	Forward & Junction Visibility Sheet 2 of 3
12 Jul 2024	19545-PHL-02-24 REV K	Road Appearance Sheet 2 of 3
15 Jul 2024	959-DB013	Infrastructure RMA Tree Pit Detail Primary Road
15 Jul 2024	959-DB02 REV J	Phase 2 Infrastructure RMA Landscape Proposals
15 Jul 2024	959-DB03J REV J	Phase 2 Infrastructure RMA Landscape Proposals

15 Jul 2024	959-DB04 REV J	Phase 2 Infrastructure RMA Landscape Proposals
15 Jul 2024	959-DB09 REV A	RM2 Infrastructure Render
15 Jul 2024	959-DB10 REV B	Phase 2 Infrastructure RMA Landscape Section Details
09 Aug 2024	19545 PHL-01-06 Rev B	Hard Landscaping Details

REASON: In order to ensure compliance with the approved drawings.

NB: The conditions attached to the outline permission, and the obligations secured under the s106 legal agreement remain in force.

3. INTRODUCTION/BACKGROUND

3.1. This application seeks the approval of the second set of reserved matters to be submitted following the allowance of the appeal on the grounds of non-determination of the hybrid permission by the Secretary of State (SoS) as below:

Application Number: 17/01542/MAJ

Site Address: Land at Wolborough Barton, Coach Road, Newton Abbot TQ12 EJ

Development: HYBRID application comprising:

Outline proposal for mixed use development comprising circa 1210 dwellings (C3), a primary school (D1), up to 12650 sq m of employment floorspace (B1), two care homes (C2) providing up to 5,500 sq m of floorspace, up to 1250 sq m of community facilities (D1), a local centre (A1/A3/A4/A5) providing up to 1250 sq m of floorspace, open space (including play areas, allotments, MUGA) and associated infrastructure (Means of Access to be determined only); and

Full proposal for a change of use of existing agricultural buildings to hotel (C1), restaurant (A3) and bar/drinking establishment (A4) uses, involving erection of new build structures, construction of an access road and parking, plus other associated conversion and minor works.

3.2. The Secretary of State allowed the appeal and granted planning permission on 3rd June 2020, subject to conditions and 2 legal agreements.

3.3. This application limits itself to seeking the approval of Reserved Matters for appearance, layout, scale and landscaping for 2 joined sections of road, approximately 720m length in total. To the west would lie an approximately 400m length of the main link road through the wider site. Joining this, and stretching to the east, would be an approximately 320m length of 'primary' road to serve areas of residential development.



Figure 1: Site Location Plan.

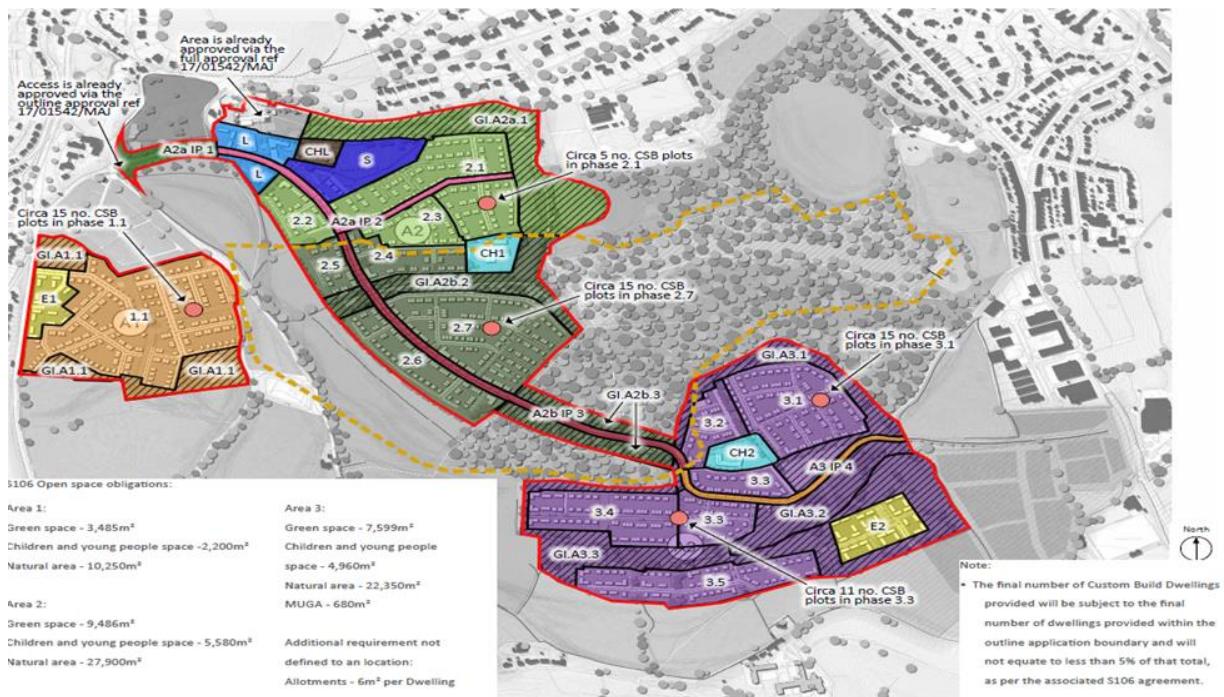


Figure 2: Approved Phasing Plan (17/01542/COND2)



Figure 3: Context Plan.

3.4. Area 2, Infrastructure Phase 2 is defined within the site-wide phasing plan required by outline Condition 5 of the outline permission, and as approved under application reference 17/01542/COND2, as above in Figure 2.

3.5. The plans above (Figures 2 & 3) provide information of the surrounding development that this road would serve. Moving from West to East on figure 2:

- the light blue area ('L') is to be the local centre, with a selection of shops. The application for the approval of the reserved matters has recently been submitted and is currently undergoing the validation process.
- The dark blue area ('S') is to be the primary school. Outline details of this area have recently been submitted to Devon County Council's education department, in line with the clauses of Schedule 2 of the s106 legal agreement entered into as part of the outline permission. It should be noted too that provision of the school is additionally the subject of Condition 28 attached to the outline permission;
- green area 2.1 is the subject of currently-live application for the approval of the reserved matters ref. 24/00220/MAJ, for 150 homes. It is hoped that this application will come before a meeting of the Committee in the near future;
- green areas 2.2 and 2.3 are the subject of currently-live application for the approval of the reserved matters reference 23/01310/MAJ, for 94 homes, to be considered at the August Planning Committee meeting; and,
- green hatched area GI.A2a1 is the subject of a recently-submitted application for the approval of the reserved matters, ref. 24/00694/MAJ relating to public open space, green infrastructure and drainage infrastructure.

3.6. Being submitted by the consortium of developers responsible for the main part of the wider site, the current application limits itself to the details relating to a longer section of road that connects to the western end of the main link road as approved under ref. 22/02069/MAJ at meeting of this Committee in March this year. For clarification, 'Access' insofar as it relates to the western site entrance, was approved at the outline stage and so is not a matter reserved for consideration now.

3.7. 'Scale' is defined in Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 as: *'the height, width and length of each building proposed within the development in relation to its surroundings.'*

3.8. Notably 'scale' is included within the list of reserved matters for which approval is hereby sought. However, as there are no buildings within this phase, there is no scale to be approved.

3.9. On this basis then the matters to be assessed in response to this application are considered to be:

- The extent to which the submission accords with the outline part of the hybrid permission
- Layout
- Appearance (inc. heritage)
- Landscaping
- Biodiversity/Habitat Regulations Assessment (HRA)
- The climate crisis/carbon reduction
- Other matters
- Consideration of objections
- Conditions
- Planning balance & conclusion

4. DESCRIPTION OF SITE

4.1. The site – in plan a shallow 'V'-shape - runs approx. east-west – across parts of 5 hedge-bound fields that lie to the south of Newton Abbot town, and to the east of the village of Ogwell. More specifically, the site runs between the dwellings and barns of Wolborough Barton farmstead to the west, and almost to Magazine Lane ("Newton Abbot Footpath 3") which runs north-south to the east, and which forms the western boundary of Decoy Country Park.

4.2. The land is undulating, set at circa 51m above Ordnance datum (AOD) at the west end, rising to circa 56m AOD in the central section, and then running down to circa 35m AOD at the east end.

4.3. The grade I listed Parish Church of St Mary the Virgin stands on high ground (c63m AOD) to the north-east, within part of the Wolborough Hill Conservation Area. The site is considered to lie within the settings of both of these heritage assets.

4.4. A further public footpath - Newton Abbot Footpath 5 – runs approx. north-south across the main axis of the proposed road, adjacent to the west end of the application site.

5. SITE HISTORY

17/01542/MAJ (18/00035/NONDET) - Mixed use (hybrid application) proposal involving: Outline - Mixed use development comprising up to 1,210 dwellings (C3), a primary school (D1), up to 12,650 sq. m of employment floorspace (B1), two care homes (C2) providing up to 5,500 sq. m of floorspace, up to 1,250 sq.m of community facilities (D1), a local centre (A1/A3/A4/A5) providing up to 1,250 sq. m of floorspace, open space (including play areas, allotments, MUGA), and associated infrastructure. (Means of Access to be determined only) Full - Change of use of existing agricultural buildings to hotel (C1), restaurant (A3) and bar/drinking establishment (A4) uses, involving erection of new build structures, construction of an access road and parking, plus other associated conversion and minor works. – ALLOWED on APPEAL (3rd June 2020) by the (then) Secretary of State.

22/02069/MAJ - Approval of details for phase 2 link road in accordance with condition 1 of outline planning permission 17/1542/MAJ (approval sought for appearance, layout, scale and landscaping)
- RESERVED MATTERS APPROVAL (22 March 2024)

22/00810/MAJ - Approval of reserved matters pursuant to outline planning permission 17/01542/MAJ for residential development of 236 dwellings (Use Class C3), public open space including allotments and children's play space, a surface water attenuation feature and associated landscaping and infrastructure - PENDING CONSIDERATION.

23/01310/MAJ - Reserved matters application, pursuant to outline planning permission 17/01542/MAJ, for the construction of 94 dwellings (Parcel 2.2 and Parcel 2.3), public open space and children's play space, pedestrian and vehicular links and associated landscaping and infrastructure- PENDING CONSIDERATION.

24/00220/MAJ - Reserved matters application pursuant to outline planning permission 17/01542/MAJ for the construction of 150 dwellings (Phase 2.1) (approval sought for the access appearance, landscaping, layout and scale) – PENDING CONSIDERATION.

24/00694/MAJ - Reserved matters application pursuant to outline planning permission 17/01542/MAJ for the construction of public open space, green infrastructure and drainage infrastructure (Area 2a Public Open Space and Green Infrastructure Phase 1). Approval sought for appearance, landscaping, layout and scale - PENDING CONSIDERATION

17/01542/COND1 - Discharge of outline Condition 6 (masterplan and design code) on planning permission 17/01542/MAJ. – APPROVED (23rd June 2023)

17/01542/COND2 - Discharge of outline Condition 5 (phasing plan) on planning permission 17/01542/MAJ. – APPROVED (21st December 2023)

17/01542/COND3 – Partial discharge of outline Condition 18 (archaeological work) on planning permission 17/01542/MAJ – APPROVED (28th December 2022)

17/01542/COND4 – Partial discharge of outline Condition 19 (geotechnical assessment) on planning permission 17/01542/MAJ – APPROVED (14th February 2023)

17/01542/COND5 - Discharge of full Conditions 3 (drainage report), 11 (highways), 13 (CEMP), 15 (arboricultural report), 16 (archaeological report), 17 (contamination report) & 19 (ecological mitigation) on planning permission 17/01542/MAJ – APPROVED (24th May 2023)

17/01542/COND6 – Partial discharge of outline Condition 9 (Low emissions strategy) on planning permission 17/01542/MAJ – APPROVED (9th January 2024)

17/01542/COND7 - Discharge of outline Condition 10 (surface water drainage strategy) on planning permission 17/01542/MAJ – PENDING CONSIDERATION

17/01542/COND8 - Discharge of outline Condition 17 (partial - tree survey) on planning permission 17/01542/MAJ – APPROVED (11th January 2024)

17/01542/COND9 - Discharge of outline Condition 14 (CEMP) on planning permission 17/01542/MAJ – PENDING CONSIDERATION

17/01542/COND10 – Discharge of outline condition 12 (external lighting) on planning permission 17/01542/MAJ – PENDING CONSIDERATION

17/01542/COND11 - Discharge of outline conditions 16 and 17 (tree and hedge protection) on planning permission 17/01542/MAJ – PENDING CONSIDERATION

17/01542/COND12 – Discharge of conditions 7 (ecological mitigation) and 8 (LEMP) – APPROVED (8th May 2024)

17/01542/COND13 – Discharge of condition 15 (highway details) – APPROVED (22nd May 2024)

17/01542/COND14 – Discharge of condition 10 (surface and ground water drainage) – APPROVED (11th June 2024)

17/01542/COND15 – Discharge of condition 28 (education provision) – PENDING CONSIDERATION

17/01542/AMD1 - Non material amendment (adjustment to wording of Condition 6) to planning permission 17/01542/MAJ – WITHDRAWN

17/01542/AMD2 - Non material amendment (adjustment to wording of Condition 6 masterplan and design code) to planning permission 17/01542/MAJ – APPROVED (1st July 2022)

17/01542/AMD3 - Non-material amendment (adjustment to wording of Condition 25 custom and self-build design code) to planning permission 17/01542/MAJ – APPROVED (23rd October 2023)

17/01542/AMD4 - Non-material amendment (adjustment to wording of Condition 4) to planning permission 17/01542/MAJ- APPROVED (8th January 2024)

6. PLANNING CONSIDERATIONS

The extent to which the submission accords with the outline part of the original hybrid permission.

6.1. Condition 6 (Masterplan and Design Code) required that a Masterplan and Design Code should be formulated broadly in accordance with the Design and Access Statement, the outline permission's Illustrative Masterplan (Ref: 141204I 02 02 k), and the Parameter Plan 141201 P01 Rev B. Such Masterplan and Design Code were the subject of application ref. 17/01542/COND1, and they were approved on 23rd June 2023. The condition requires that any application for the approval of reserved matters should comply with the approved Design Code.



Figure 4: Illustrative Master Plan approved at outline.

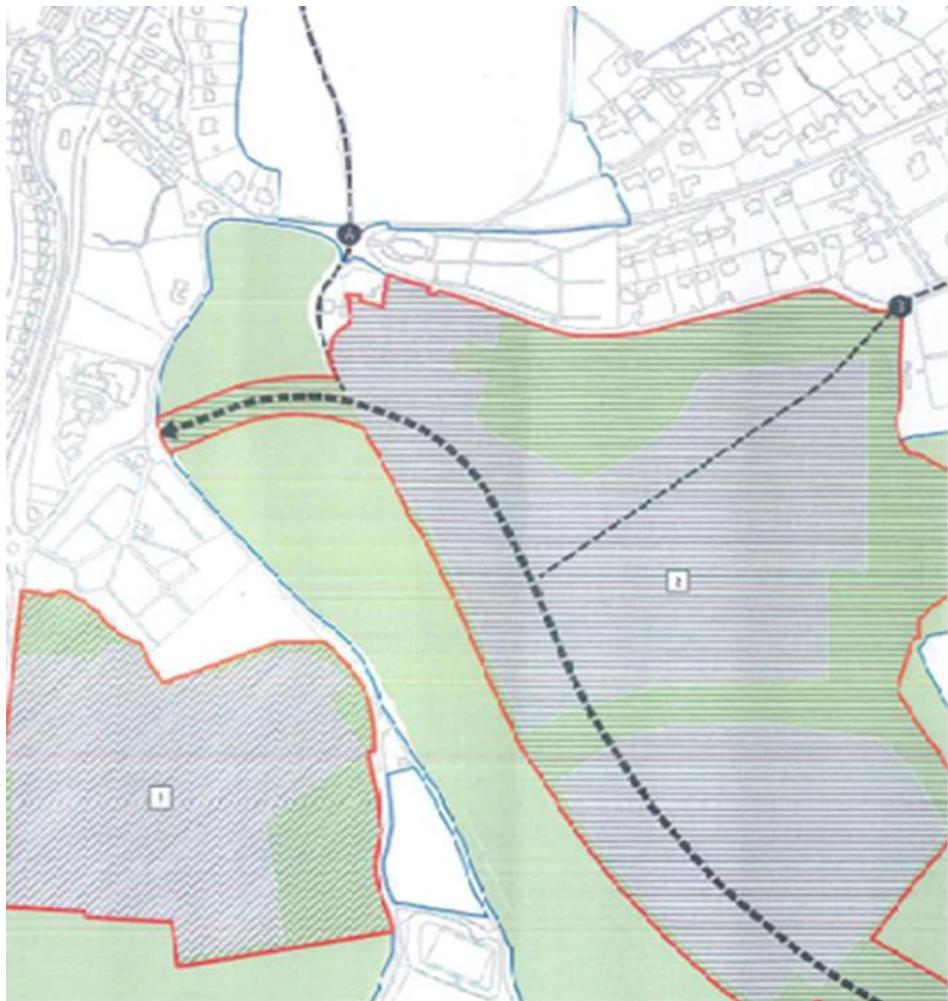


Figure 5: Parameter Plan extracted from the outline.



Figure 6: Approved Design Code Masterplan (extract)

- 6.2. It can be seen from the above plans that the route of the section of the link road that is the subject of the current application is broadly consistent across the plans.
- 6.3. Subject to the further analysis (below), in the light of the relationship of the submission to the approved Design Code masterplan it is considered that the reserved matters applied for do accord with the requirements of the outline part of the original hybrid permission.

Layout

- 6.4. Layout is defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015 as *the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.*
- 6.5. The layout has been assessed by officers against the considerations of Building for a Healthy Life, as embedded in the National Planning Policy Framework December 2023 (the NPPF) at para 138. The submission scores highly in this regard. In particular the layout of the scheme would invite trips to be made by bicycle/foot, and feature street trees.
- 6.6. It is considered that the layout positively responds to the existing topography, given the parameters of the outline permission.
- 6.7. The highways as here applied for accord with the design and access statement of the outline, and the approved Design Code. In particular, the carriageway of the road is flanked by both a 2m wide footway and a 3m wide cycle/pedestrian path, each separated by a vegetated margin as shown on lateral section plan drawing reference 959-DB10A.
- 6.8. It is considered that the scheme aligns well with the thrust of Teignbridge Local Plan 2013-2033 (TLP) Policy S9 (Sustainable Transport) in guiding future occupants away from dependence upon private motor cars, and instead towards cycling and walking as transport modes of choice.
- 6.9. It is noted that initially the Highway Authority had raised some concerns and sought additional details in respect of the proposal. The main concerns related to the proximity of the staggered junctions, and the crossing of individual dwelling driveways over the cycleway. This resulted in potential conflict between users. Revised plans have been submitted to address these issues. It is proposed for the green verges to be relocated with the cycleway to be sited directly adjacent to the highway in areas of potential conflict. Such approach is designed to allow for improved visibility for vehicles emerging from the driveways, as well as creating separation of cycleway users and the driveways. The staggered junction arrangements have remained in the latest revisions. In consultation with the Highway Authority the revised proposals are considered to be acceptable. The road design is compliant with Manual for Streets. The staggered junction arrangement whilst not optimal, is acceptable from a highway safety point of view, this is because the relevant section of the road is a no through route (with traffic levels likely to be reduced). In respect of the interactions between driveways and the cycleway, the amended design reduces the risk of conflict between users sufficiently. Consequently, it is concluded that the proposal would not result in an adverse impact upon highway and traffic safety.

6.10. Lastly the layout would be both legible and permeable, in a manner conducive to cycling and walking. It is considered that the details relating to layout accord with TLP Polices S2 and NA3; and Newton Abbot Neighbourhood Development Plan (NANDP) Policies NANDP2, NANDP4.

Appearance (inc. heritage)

6.11. *Appearance - the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour, and texture.*

6.12. Mindful of the site's location within the settings of both the grade I listed Parish Church of St Mary the Virgin and the nearest part of the Wolborough Hill Conservation Area to the north, consideration must be given to the impact of materials and texture of the development (as above). Little has been submitted in this regard thus far. However, it is considered that these details fall within the scope of outline Condition 15 (full highways details).

6.13. The comments of Historic England are noted – but they must be seen in the context of the allowance of the appeal by the Secretary of State. His analysis in his decision (paragraphs 20, 23 and 24) with regard to the heritage impacts of the wider scheme is noted and concurred with for this phase, i.e., that the appearance of the road would have a neutral impact upon the character and appearance of the Wolborough Hill Conservation Area. Similarly, it is considered that the appearance of the road within the setting of the church would have a less-than-substantial harm on that asset. This harm will be returned to in the discussion of the planning balance below.

Landscaping

6.14. *Landscaping - the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features.*

6.15. No trees would need to be felled for these reserved matters. Conversely, in terms of new planting, the Landscaping plan indicates that 32 new trees would be planted to line the road. Details of the trees to be planted have been supplied. These include hazel, beech, whitebeam, lime, ornamental pear and acers.

6.16. With regard to grassland cover, the plans specify that a diverse flowering lawn mix will be deployed, together with a mix of 5 different grasses. It is noted that the landscaping details accord with the suggestions of TDC's Biodiversity officer.

6.17. As above, details of the materials for the hard landscape features of the road are the subject of Condition 15 (full highways details) attached to the outline.

Biodiversity

- 6.18. The environmental impact of the overall development proposal was considered at the outline stage with reference to the submitted environmental statement. Impacts on levels of biodiversity are subject to the control exerted through Conditions 7 (Ecological Mitigation Strategy) and 8 (Landscape and Ecology Implementation and Management Plan).
- 6.19. With regard to the recently introduced requirement for assessment using the DEFRA biodiversity net gain metric, as the original hybrid permission pre-dates its introduction, there is no requirement.
- 6.20. To conclude, it is considered, subject to the controls as specified within the relevant conditions attached to the original hybrid permission, that the proposal would accord with development plan policy and national guidance with regard to biodiversity.

Habitat Regulations Assessment/Greater Horseshoe Bats

- 6.21. The site lies within the Landscape Connectivity Zone of the South Hams Special Area of Conservation (SAC). As part of the assessment of these reserved matters attention has had to be given to amending the design so as to ensure that no harm to Greater Horseshoe Bats would result.
- 6.22. For the purposes of the Conservation of Habitats and Species Regulations 2017 (as amended) Teignbridge District Council has consulted Chrissy Mason MSc MCIEEM, Lead Planning and Technical Ecologist of Burton Reid Associates.
- 6.23. She is of the view that, subject to the approval of an appropriate lighting scheme prior to installation being in place in accordance with the requirements of Condition 12 (lighting), and subject to the works being undertaken strictly in accordance with the submitted document, it can be concluded that the proposals will not adversely affect the integrity of South Hams SAC alone or in combination with other plans or projects.
- 6.24. Natural England have been re-consulted and concur with this assessment.
- 6.25. Accordingly, for the purposes of the Conservation of Habitats and Species Regulations 2017 (as amended) Teignbridge District Council hereby adopts the conclusion dated 8th April 2024 of Chrissy Mason MSc MCIEEM, Lead Planning and Technical Ecologist, Burton Reid Associates as its own and, as Competent Authority, is able to conclude that there will be no effect on the integrity of the South Hams Special Area of Conservation (SAC).

The climate crisis/ carbon reduction

- 6.26. TLP S7 - Carbon Emission Targets, seeks a reduction in carbon emissions per person in Teignbridge of 48% by 2030. Policy EN3 - Carbon Reduction Plans, requires major developments to indicate how the carbon reduction will be achieved, including consideration of materials, design, energy, water, waste, travel and so on.
- 6.27. The site is well-related to the services and job opportunities of the town. Cycle access largely separated from the carriageway would be provided both east and west. Pedestrian access would also be provided in this manner, and additionally north-

south via Footpath 5 and, via a link to be provided within the adjacent green infrastructure phase, via Footpath 3 (Magazine Lane). In line with parameter plans 4035 020 Rev A and 14.1204 P01 Rev B as referred to in Condition 6, cycle connectivity to and from the town would be similarly facilitated.

- 6.28. In addition, the plans include pro-active planting, primarily for amenity impact, but which would also serve to help reduce rates of climate change.
- 6.29. The recommendations made by the Authority's Climate Change Officer are noted. The request for provision of details on the sourcing of materials is considered to go beyond what can be considered at reserved matters stage and as a matter of principle should be secured at outline stage when the actual planning permission is granted. In respect of the recommendation for pedestrian/cyclist warning signs and markings at junctions it is considered that such details can be agreed under Condition 15 of the outline. Finally, in respect of the location of the bus stop within a lay-by, the Highway Authority has raised no objections to such arrangement. In any case the inclusion of the lay-by is beneficial in this location as the bus stop would be serving the Local Centre where buses are likely to stop for longer periods. The location of the bus shelter as shown on the submitted plans is considered appropriate as it is on the edge of the cycle and thus would limit conflict between future users.
- 6.30. The scheme has thus taken opportunities to limit its impact.

Other matters

- 6.31. There are considered to be no immediately adjacent neighbours for whom the approval of these reserved matters (as opposed to the approval of the original hybrid permission by the Secretary of State in 2020) would have a material impact.

Consideration of objections

- 6.32. It is noted that a number of the points raised in objection do not limit themselves to consideration of the reserved matters for which approval is here being sought, but instead address the principle of the development, or express concern relating to matters controlled through conditions attached to the original hybrid permission.
- 6.33. In particular, a concern has been raised relating to work on an intended NA3 Masterplan document, to have formed part of the local plan, having been discontinued - and that this in turn would lead to harmful, piecemeal development.
- 6.34. In contrast the officer view is that the 2 masterplans secured by conditions attached to the Wolborough Barton original hybrid permission (covering the site of the current reserved matters application) and that similarly secured for the adjacent Langford Bridge original hybrid permission, together serve to guide the development process across the entire NA3 allocation. All subsequent applications for reserved matters approval are required to be assessed against these (congruent) masterplans.
- 6.35. Furthermore, additional environmental protection is secured by the numerous conditions attached to the original hybrid permission which inter alia seek to address the climate crisis and biodiversity levels.
- 6.36. Notably the Wolborough Fen Site of Special Scientific Interest (SSSI) is protected through Condition 20 of the outline permission; a Construction Environmental

Management Plan is required through Condition 14; and impacts on wildlife through Conditions 7 (Ecological Mitigation Strategy); 8 (Landscape and Ecology Implementation and Management Plan); and 12 (Lighting).

6.37. The express concerns of Natural England, TDC's Biodiversity officer (subsequently withdrawn), the Devon Wildlife Trust and others with regards to the integrity of the Wolborough Fen are noted. An updated response from Natural England has been provided raising no objection to this application and highlighting the Local Planning Authority's (LPA) responsibility as a public body to conserve and enhance the special features of the SSSI. This matter was explored in depth as the public enquiry that culminated in the Secretary of State's (SoS) decision of 3rd June 2020. Noteworthy within the text of the decision is paragraph 82 of the Inspector's report to the SoS, which reads:

6.38. *"Both the Council and NE have now withdrawn their previous objection in relation to impact on Wolborough Fen SSSI and agree that this issue can appropriately be dealt with by planning condition."*

6.39. The current objections should be read in the light of both this earlier withdrawal and the specific wording of the relevant condition, No 20. It is important to be mindful of the exact wording of Condition 20 - and that it covers the Wolborough Fen SSSI hydrological catchment, and not the entirety of the area covered by the decision of the Secretary of State. The extent of the boundary of the hydrological catchment has been agreed by Natural England at the Appeal Stage

6.40. Bearing in mind the wording of the condition, this application is located wholly outside of the hydrological catchment of the Wolborough Fen SSSI, therefore its requirements do not apply to this part of the development.

6.41. The 'Groundwater representation'. A representation was received on 16th August. On the basis that planning officers would have had very little time – if any – to properly consider its contents, and furthermore, that the representation had not been provided to either the Applicant or Natural England for their consideration and response (if any), on the advice of the Council's Head of Legal and Democratic Services (Monitoring Officer), the appearance of this application before the Planning Committee was deferred. Its contents and the officer response are discussed below. The points raised by the contributor are addressed below in turn and using the headings of the representation itself.

1. Qualifications and Experience of Reviewer

6.42. The extensive range of scientific qualifications and accreditations of the contributor is noted. Also noted is that these qualifications and accreditations do not extend into the legal or professional town planning spheres.

2. Groundwater Dependence of Wolborough Fen SSSI

6.43. Assertions accepted.

3. Surface Water Catchments and Groundwater Catchments

6.44. The documents to which the contributor refers were available to the Inspector, and in turn the Secretary of State (SoS) at the time of the appeal. The contributor asserts that

the use of the hydrological catchment as a proxy for the groundwater catchment is 'scientifically unsound'. Nonetheless such use was expressly accepted by Natural England (see 'NE response to PINS 8 Feb 2019', saved under the reference for the appeal, but also under the reference for this application, for convenience.). It is considered that advice of Natural England is properly to be afforded greater weight than the views of the contributor.

4. Potential for Development Impact on Groundwater Regime and Wolborough Fen SSSI

6.45. (This paragraph has no concluding assertion)

5. Use of Impact Mitigation Measures to Protect Groundwater Regime and Wolborough Fen SSSI

6.46. The contributor concludes that, "*if the development goes ahead, it will increase the risk to the SSSI. And the only way to avoid increasing risk to the SSSI is to not proceed with the development.*"

6.47. This risk was considered by the Inspector and in turn the SoS at the time of the appeal. It was determined at that time that the attachment of, and control to be exerted through Condition 20 would ensure that such risk would indeed be avoided.

6. Condition 10 and 20 and LPA Interpretation

6.48. Regarding Condition 10 (sustainable surface water and ground water drainage - SuDS), the interpretation of the contributor that this condition is primarily focused upon surface water run-off issues (i.e. rather than wider environmental or ecological concerns) is accepted. The officer view is that the application of the condition to the whole application site is approach is consistent with and symptomatic of the purpose of the condition.

6.49. Regarding Condition 20 (protection of the Wolborough Fen SSSI) the contributor again queries the use of the hydrological catchment as a boundary marker. In response the officer comments at (3) above should again be referred to. Secondly, the very existence of Condition 20, and its focus upon the environmental and ecological protection specifically of the Fen catchment clearly implies and differentiates itself from the 'drainage' focus of Condition 10 applied in contrast to the whole site. The officer view is that the 2 conditions should be viewed as working together as a pair, as part of the planning permission as a whole. This is in contrast to the more articulated interpretation of the contributor.

6.50. (Lastly - for the avoidance of doubt - it is assumed that the word 'derogation' in the text is a typographical error, and that the contributor instead possibly intended the word instead to read, 'degradation'.)

7. Summary and Conclusions

6.51. This is made up of 13 bullet points ('bp's), as below:

- bps1 – 6: agreed
- bp7: "*SUDS infiltration schemes are however not being used in the final drainage scheme designs for the Access Road and Phase 2.1, and therefore*

the potential for impact on the Fen SSSI is not being reduced, mitigated or avoided”.

Not accepted, as the current application sites lie outside the accepted-by-Natural England catchment boundary of the Fen.

- bp8: *“The decision by the developer to not use SUDS infiltration schemes is due to ground investigations demonstrating infiltrations schemes are likely, at least locally, to not work and not reduce flood risk. Flood risk reduction is therefore being prioritised before environmental protection.”*

Not accepted – both flood risk reduction and environmental protection are being addressed.

- bp9: *“Any drainage scheme the developer uses which excludes infiltration may impact on the Fen SSSI. If the developer cannot for reasons of feasibility use infiltration SUDS techniques, then the only way to be certain to avoid the potential for impacts on the SSSI is not to progress with the development.”*

Not accepted, at least for areas outside the accepted-by-Natural-England catchment boundary of the Fen.

- bp10: *“Development conditions require the drainage schemes to be sustainable – the current designs are clearly not environmentally sustainable and therefore the schemes do not meet Condition 10.”*

Not accepted. Discussed at (6) above.

- bp11: *“The Development conditions require the development to not have an adverse impact on the integrity of the Wolborough Fen SSSI. The Local Planning Authority (LPA) has defined the area which could impact the SSSI as limited to the hydrological catchment of the SSSI, yet the LPA and Natural England recognise the SSSI is a groundwater dependent ecosystem.”*

This assertion is incorrect. It is not the Local Planning Authority (LPA) that has defined the area which could impact the SSSI as being limited to the hydrological catchment of the SSSI; this was instead defined by the Planning Inspector appointed by the SoS, as advised by Natural England themselves.

- bp12: *“The LPA and Natural England rely on an early ‘working’ assumption based on little data, on the hydrological and hydrogeological catchments of the SSSI being coincident, despite the developer’s own consultants i) disagreeing with this opinion and ii) recognising that impacts to neighbouring groundwater catchments may impact the Fen SSSI.”*

Nonetheless, permission has been granted by the highest authority in the land, and in turn the lawfulness of the permission was tested – and found to be sound - through the courts. (Judgment Abbotskerswell Parish Council v Secretary of State for Housing, Communities & Ors [2021] EWHC 555 (Admin) (11 March 2021)).

- bp13: “*The wording of Condition 20 is therefore not only technically incorrect in assuming the hydrological catchment management will protect the SSSI, but consequently Condition 20 will not achieve its objective, which is to protect the SSSI. Development compliance with Condition 20 will not protect the SSSI from development activities associated with the Access Road and/or Phase 2.1.*”

The contributor's view conflicts with that of Natural England and the SoS. The latter two together form the higher authority.

6.52. The contributor's final conclusion is that “*the only logical conclusion to ensuring avoidance of impact from the development on the 'integrity of the Wolborough Fen SSSI' is not to progress with the development.*”

Officer Conclusion

6.53. The representation makes a number of contentions relating to the potential impact of the development upon the Wolborough Fen SSSI.

6.54. The application for the development, supplemented by an Environmental Statement was granted outline planning permission by the Secretary of State following a public enquiry, supported by and subsequent to extended and extensive advice from Natural England (the nation's non-departmental public body responsible for ensuring that England's natural environment, is protected and improved.)

6.55. A legal challenge to this granting of permission was subsequently mounted and dismissed at the High Court.

6.56. In accordance with Natural England's advice, the application was granted subject to 2 conditions, Nos 10 and 20 intended to, firstly, prevent harm from surface water run-off; and secondly, to prevent harm to the Fen.

6.57. These protections remain in place.

6.58. The current applications for the approval of reserved matters, here limited to the appearance, landscaping, layout and scale of the development are those matters before Members now.

6.59. Notwithstanding the contentions made within the Groundwater representation, it remains the very firm view of your officers that there is no lawful impediment preventing the consideration – and, were the Committee to be so minded - the approval of the details of the **appearance, landscaping, layout** and **scale** of the development as now sought.

Planning balance & conclusion

6.60. There is very little, if any deviation from the approved parameter plans, Masterplan and Design Code.

6.61. Third party objections and concerns have been noted and considered throughout the determination of this application and where material, have been either adequately addressed by the proposal through the submission of amended drawings and reports, or are the subject of existing conditions.

- 6.62. A planning balance must be taken. The site is part of the wider NA3 allocation, and significant weight must be given to the approval of the reserved matters for this section of road unlocking the potential of the wider site to meet the pressing housing needs of our community, both open market and affordable.
- 6.63. On the other hand, and in line with paragraphs 205 and 208 of the NPPF, where a development proposal would lead, as here, to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against these public benefits.
- 6.64. Whether or not the identified less than substantial harm to the significance of the Grade-I listed St Mary the Virgin church is outweighed by the public benefits of approving the reserved matters of the development the proposal has indeed been considered. In accordance with the Section 66 duty (Planning [Listed Buildings and Conservation Areas] Act 1990), considerable weight is attributed to the harm, particularly bearing in mind the asset's high status.
- 6.65. However, it is considered that the benefits of approving the reserved matters for this phase of the wider site are collectively sufficient to outweigh the identified less than substantial harm to the significance of the Grade-I listed St Mary the Virgin Church, particularly taking into account the importance of unlocking the delivery of the wider scheme to the future growth and economic prosperity of the community. It is considered that the balancing exercise under paragraph 208 of the NPPF is therefore favourable to the proposal, and that these reserved matters should be approved.

7. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

NA3 Wolborough
 S1A Presumption in favour of Sustainable Development
 S1 Sustainable Development Criteria
 S2 Quality Development
 S3 Land for Business, General Industry and Storage and Distribution
 S5 Infrastructure
 S6 Resilience
 S7 Carbon Reduction Plans
 S9 Sustainable Transport
 S10 Transport Networks
 S14 Newton Abbot
 WE2 Affordable Housing Site Targets
 WE3 Retention of Affordable Housing
 WE4 Inclusive Design and Layout
 WE11 Green Infrastructure
 EN1 Strategic Open Breaks
 EN2A Landscape Protection and Enhancement
 EN5 Heritage Assets
 EN8 Biodiversity Protection and Enhancement
 EN9 Important Habitats and Features
 EN10 European Wildlife Sites
 EN11 Legally Protected and Priority Species
 EN12 Woodlands, Trees and Hedgerows

Submission Local Plan 2020-2040

In accordance with Paragraph 48 of the NPPF it is considered that the following policies are relevant and hold a degree of weight in decision making for this application:

GP3 Settlement Limits and the Countryside
GP5 Neighborhood Plans
DW1 Quality Development
DW2 Development Principles
DW3 Design Standards
EN4 Landscape Protection and Enhancement
EN6 Flood Risk and Water Quality
EN11 Important Habitats and Features
EN15 South Hams SAC
EN16 Trees, Hedges and Woodlands

Newton Abbot Neighbourhood Development Plan 2016-2033

NANDP2 Quality of Design
NANDP3 Natural Environment and Biodiversity
NANDP4 Provision of Cycle/Walkways
NANDP5 Provision of Community Facilities
NANDP11 Protection of Designated and Non-Designated Heritage Assets.

Material Considerations: National Guidance

National Planning Policy Framework (December 2023)
National Planning Practice Guidance (2014 onwards)
The National Design Guide (2019)
Building for a Healthy Life (2020)
The National Model Design Code Parts 1 and 2, (2021)

8. CONSULTEES

The most recent consultation responses below are summarised where appropriate; full comments and older responses are available on the online file.

Historic England (3rd May 2024)

The element of road under discussions continues to be presented as an independent element within the middle of the site. However, the plans submitted under the reserved matters scheme have been superimposed onto the layout drawings for the road. This has been helpful in providing greater context to the alignment of the road and its relationship to the wider site.

Historic England has [continued] concerns regarding the application on heritage grounds. These concerns relate to the prominence of the road within views of the church. The council should identify opportunities to avoid and minimise that impact through the design process.

Natural England (30th May 2024)

No objections to this application with recommendation that the LPA determine the in the context of its responsibilities as a public body to conserve and enhance the special features of the Wolborough Fen SSSI.

Natural England (5th September 2024)

Natural England remain concerned relating to the impact of groundwater upon the Wolborough Fen Special Site of Scientific Interest (SSSI). Please ensure that whilst we have not made an objection, our concerns are noted in any officer report. In determining this application you should refer to the planning conditions attached to the outline consent, and any technical reports if necessary. It is the responsibility of the Local Planning Authority to ensure that the proposal does not damage the SSSI.

DCC Highways (12th July 2024)

Satisfied that the amendments to the drawings make the RM application acceptable to the Highway Authority.

DCC Lead Local Flood Authority (10th June 2024)

No in-principle objections raised.

DCC Lead Local Flood Authority (23rd August 2024)

As mentioned within the 16th August 'Groundwater representation', we as the LLFA would need to ensure that the proposed development would not increase surface water flood risk. For infiltration to work, we need to ensure that the proposed infiltration feature would be located at least 1m from the highest seasonal groundwater level. The planning application is outside of the Fen Catchment. For the proposed attenuation option and its associated impact to the Fen catchment, I think Natural England would be in a better position to advise. I am sure that Natural England would like to consider the water quality from the proposed development site should [an] infiltration option be used.

TDC Biodiversity (14th May 2024)

Accept, therefore, that it is necessary and appropriate to leave discussion of the fen's hydrology until considering applications located within the hydrological catchment area. By which time the applicant will have gathered the necessary, knowable, data to inform the necessary suite of mitigation measures, which will be submitted as part of these applications.

Biodiversity Consultant (re HRA/Greater Horseshoe Bats – 8th April 2024)

Considers that the previous Habitat Regulations assessment (HRA) advice regarding compliance with lighting conditions is applicable to other road sections, in order to ascertain that proposals would not adversely affect the integrity of South Hams SAC and provided that these applications are materially similar as determined by the case

officer. If the application includes significant habitat or landscape changes, further SHRA advice should be sought to confirm that detailed proposals are in accordance with previous HRA assessment work.

Biodiversity Consultant (re HRA/Greater Horseshoe Bats – the previous advice, for info – 6th February 2024)

With an approved lighting scheme in place and SAC Greater Horseshoe Bat assessment and mitigation measures required on approved and proposed development within the SAC consultation area, it was concluded the proposed phase 2 link road would not adversely affect the integrity of South Hams SAC alone or in-combination with other plans or projects. It is noted that Natural England in its consultation of 10 July 2023 NE Ref. 438971 concurred with this conclusion. It is considered that, with the approval of an appropriate lighting scheme prior to installation in place, in accordance with discharge of 17/1542/MAJ Condition 12 (lighting) then the conclusion that the submitted proposals will not adversely affect the integrity of South Hams SAC alone or in combination with other plans or projects remains unchanged.

Devon Wildlife Trust (7th June 2024)

Devon Wildlife Trust would like to register serious concerns relating to insufficient evidence secured to inform approval of reserved matters.

Devon Wildlife Trust, as the long-term manager of Wolborough Fen SSSI, has responsibility for meeting SSSI favourable condition (sic). The above approval, in the absence of evidence fulfilling the conditions as laid out by the Secretary of State (3 June 2020), risks undermining our ability to ensure the future health of this protected site.

Particular concerns regarding the application's failure to address condition 6(j) – Design Code and condition 20 – Wolborough Fen SSSI Catchment. It is claimed that the Fen SSSI integrity is potentially influenced by both surface and ground water. On that basis, detailed investigations to define the catchment and satisfy the aforementioned conditions is required before this application can be approved.

Devon Wildlife Trust (20th August 2024)

Devon Wildlife Trust (DWT) has today read and considered the 16th August, 'Groundwater representation'. This has reinforced DWT's outstanding concerns regarding the absence of evidence required to inform the approval of reserved matters and subsequent developments that may impact the ecohydrological resilience and integrity of Wolborough Fen SSSI.

TDC Climate Change Officer (28th June 2024)

Following recommendations made:

- Details of how decision making in respect of choice of materials has been used to reduce the proposal's embodied carbon emissions.
- Recommended provision of cyclist and pedestrian warning signs at road crossings.

- Recommended that the bus stop should be accommodated within the carriage way rather than as a lay-by to reduce conflict across the cycleway.

9. REPRESENTATIONS

A total of 70 third party representation have been received (of which many feature duplicated content). All are of objection. Comments have been received in particular from the CPRE (now to be known as the Countryside Charity), the Wolborough Residents Association (WRA) and the Newton Abbot and District Civic Society (NADCS).

It should be noted too that many of the representations address issues that range beyond the details of the matters reserved for determination, to instead make reference to issues relating to the principle of the outline permission that was granted by the Secretary of State. The main points of objection raised include the following:

- concerns that replacement planting does not go far enough; concerns regarding the limited information regarding drainage;
- particular concern expressed regarding the need for the protection of the Fen;
- reference made to the conditions attached to the outline permission;
- please can, as far as possible, the current trees and hedgerows be preserved;
- the proposed link road goes straight through Wolborough Fen, thus compromising this nationally threatened habitat. Case Officer note: This is incorrect. This section of the road does not. Nor does it lie within the surface water catchment area of the Fen.]
- the conditions attached to the outline permission granted by the Secretary of State must be adhered to;
- key statutory bodies have expressed the view that this application is premature and incomplete or they express concerns/objections;
- Wolborough Fen is a fragile ecosystem which supports rare plants and invertebrate animals, an outlier which makes it important for genetic diversity. That is why it is designated as an SSSI, and Teignbridge should protect and be proud to have this nationally important asset;
- this application is premature in its submission because it cannot be properly considered as part of a comprehensive scheme for the site;
- the longitudinal gradient of the proposed road is at the maximum recommended by Devon County Highways for the central section of the road submission and the adjacent cycleway exceeds the required longitudinal gradient;

- construction will likely impact on hydrology; the run-off from the road will carry particles of brake dust and carbon from tyres and emissions which will contaminate the Wolborough Fen;
- the proposal would impact on the setting of St Mary's Church;
- concern expressed regarding the impact of the proposal upon Cirl Buntings and Greater Horseshoe Bats; and
- concerns expressed regarding the piecemeal approach to the entire NA3 development.
- Lastly, a representation was received on 16th August, ("The Groundwater representation") that raised a number of issues. This has been dealt with in Section 6 above.

10. TOWN COUNCIL'S COMMENTS

No objection, providing the conditions as set out by the Secretary of State are met.

11. COMMUNITY INFRASTRUCTURE LEVY

This type of development is not liable for CIL and therefore no CIL is payable.

12. ENVIRONMENTAL IMPACT ASSESSMENT

In determining the appeal for non-determination of the 'host' outline planning application considered under references 19/00239/MAJ and 18/00035/NONDET, the (then) Secretary of State took into consideration the Environmental Statement submitted with the planning application and also all of the consultation responses and representations received, in accordance with Regulation 3 (4) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

The current application, which seeks reserved matters approval, is considered in compliance with the outline planning permission for the purposes of EIA. The need for a further EIA has therefore been "screened out" for this application as the proposals, with the mitigation secured by the Conditions and s106 Obligations as detailed within the outline planning permission and the conditions imposed, would not give rise to any significant environmental effects within the meaning of the Environmental Impact Assessment Regulations 2017.

13. HUMAN RIGHTS ACT

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests/the Development Plan and Central Government Guidance.

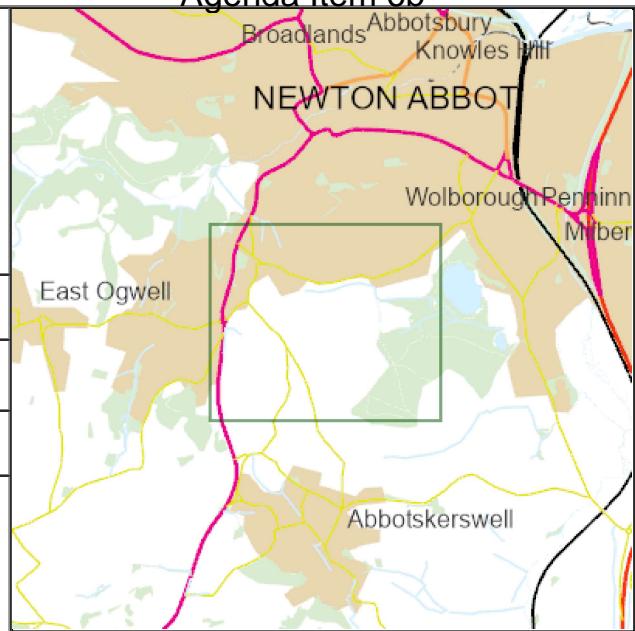
Head of Development Management

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Planning Committee Report

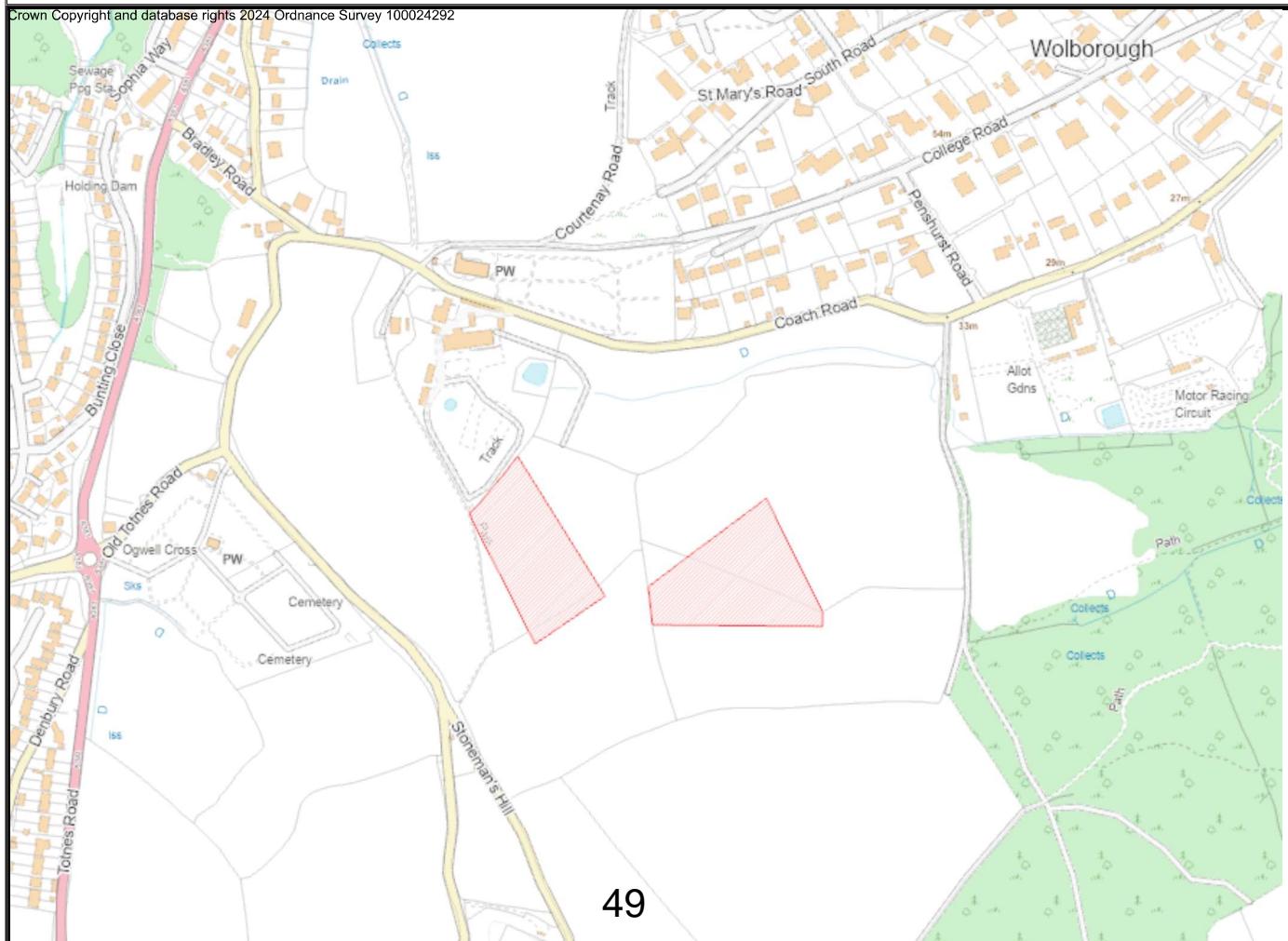
Chairman: Cllr Colin Parker

Date	23 September 2024
Case Officer	Patrick James
Location	Wolborough Grange Newton Abbot Devon
Proposal	Reserved matters application, pursuant to outline planning permission 17/01542/MAJ, for the construction of 94 dwellings (Parcel 2.2 and Parcel 2.3 of Phasing Plan 959-01 REV O), public open space and children's play space, pedestrian and vehicular links and associated landscaping and infrastructure
Applicant	Mr D Russell
Ward	College
Member(s)	Cllr Janet Bradford, Cllr Liam Mullone
Reference	23/01310/MAJ

[Online Details and Documents](#)

RECOMMENDATION: RESERVED MATTERS APPROVAL

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1. REASON FOR REPORT

The Head of Development Management considers that the application merits oversight by the Planning Committee.

2. RECOMMENDATION

THAT RESERVED MATTERS APPROVAL BE GRANTED subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the application form and the following approved plans/documents:

Date Received	Drawing/reference number	Description
13 Jul 2023	21017.G1.200	Single Garages Plans & Elevations
13 Jul 2023	21017.154 REV A	Enclosures Details
24 May 2024	21017.2.3.SP.702 REV B	Spruce - Var. 2 - Plans & Elevations
24 May 2024	21017.2.3.SP.701 REV B	Spruce - Var. 1 - Plans & Elevations
24 May 2024	21017.2.3.SP.501 REV B	Spruce - Var. 1 - Plans & Elevations
24 May 2024	21017.2.3.HZ.702 REV B	Hazel - Var. 2 - Plans & Elevations
24 May 2024	21017.2.3.HZ.701 REV B	Hazel - Var. 1 - Plans & Elevations
24 May 2024	21017.2.3.CY.701 REV B	Cypress - Var. 1 - Plans & Elevations
24 May 2024	21017.2.3.CY.501 REV B	Cypress - Var. 1 - Plans & Elevations
24 May 2024	21017.2.3.BE.501 REV B	BEECH - VAR. 1 - PLANS & ELEVATIONS
24 May 2024	21017.2.3.B8.501 REV B	B8 - VAR. 1 - PLANS & ELEVATIONS
24 May 2024	21017.2.3.B5.501 REV B	B5 - VAR. 1 - PLANS & ELEVATIONS
24 May 2024	21017.2.3.B5.502 REV B	B5 - VAR. 2 - PLANS & ELEVATIONS
24 May 2024	21017.2.3.107 REV D	Refuse Strategy Parcel 2.3 (Bovis)
24 May 2024	21017.2.3.106 REV D	Adoptions Plan Parcel 2.3 (Bovis)
24 May 2024	21017.2.3.104 REV E	External Works Parcel 2.3 (Bovis).3 (Bovis)
24 May 2024	21017.2.3.103 REV C	Storey Heights Parcel 2.3 (Bovis)
24 May 2024	21017.2.3.102 REV D	Materials Plan Parcel 2.3 (Bovis)
24 May 2024	21017.2.2.PP.902 REV B	Poppy - Var. 2 - Plans & Elevations

24 May 2024	21017.2.2.PP.901 REV B	Poppy - Var. 1 - Plans & Elevations
24 May 2024	21017.2.2.FX.902 REV B	Foxglove - Var. 2 - Plans & Elevations
24 May 2024	21017.2.2.PP.901 REV B	Foxglove - Var. 2 - Plans & Elevations
24 May 2024	21017.2.2.FX.302 REV B	Foxglove - Var. 2 - Plans & Elevations
24 May 2024	21017.2.2.FX.301 REV B	Foxglove - Var. 1 - Plans & Elevations
24 May 2024	21017.2.2.SU.901 REV B	Sunflower - Var. 1 - Plans & Elevations
24 May 2024	21017.152 REV C	Street Hierarchy Plan - Parcels 2.2 and 2.3
24 May 2024	21017.151 REV C	Character Areas Plan Parcels 2.2 and 2.3
24 May 2024	21017.100 REV B	Location Plan
24 May 2024	19627.PHL-06 REV D	Highway and Drainage Profiles
24 May 2024	19627-PHL-05 REV E	Swept Path Analysis
24 May 2024	19627-PHL-04 REV E	Extent of Adoption
24 May 2024	19627-PHL-03 REV E	Preliminary Highway Layout
24 May 2024	19627-E-02 REV F	External Levels Phase 2-3
05 Jun 2024	19627-PDL-01 REV G	Drainage Layout - Phase 2.2
05 Jun 2024	19627-PDL-02 REV E	Drainage Layout - Phase 2.3
03 Jul 2024	967/07	Phase 2.2 Pocket Play Detailed Design
03 Jul 2024	967/06	Phase 2.3 Details and Notes
03 Jul 2024	967/05	Phase 2.3 Planting Plan
03 Jul 2024	967/01 REV D	Phase 2.3 Landscape Strategy
03 Jul 2024	21017.2.3.108 REV D	Affordable Housing (Parcel 2.3)
03 Jul 2024	21017.2.3.101 REV G	Site Layout (Parcel 2.3)
03 Jul 2024	21017.2.2.109 REV B	Strategic Vehicle Charging Strategy (Parcel 2.2)
03 Jul 2024	21017.2.2.108 REV D	Affordable Housing (Parcel 2.2)
03 Jul 2024	21017.2.2.107 REV D	Refuse Strategy (Parcel 2.2)
03 Jul 2024	21017.2.2.106 REV E	Adoptions and Management (Parcel 2.2)
03 Jul 2024	21017.2.2.104 REV F	External Works Plan (Parcel 2.2)
03 Jul 2024	21017.2.2.103 REV D	Storey Heights (Parcel 2.2)
03 Jul 2024	21017.2.2.102 REV F	Materials Plan (Phase 2.2)
03 Jul 2024	21017.2.2.101 REV F	Site Layout (Parcel 2.2)
03 Jul 2024	19627.PHL-02 REV H	Phase 2.2 Swept Path Analysis
03 Jul 2024	19627-PDL-01 REV H	Phase 2.2 Drainage Layout
03 Jul 2024	19627-E-01 REV G	Phase 2.2 External Levels
03 Jul 2024	21017.2.2.TU.901	Tulip/Variation 1/ Plans & Elevations

03 Jul 2024	21017.2.2.SU.301 REV C	Sunflower / Variation 1 / Plans & Elevations
03 Jul 2024	21017.2.2.PP.301 REV C	Poppy / Variation 1 / Plans & Elevations
03 Jul 2024	21017.2.2.L4.301	L4 / Variation 1 / Plans & Elevations
03 Jul 2024	21017.2.2.AP3.301 REV A	Elevations
03 Jul 2024	21017.2.2.AP3.300 REV A	Plans
03 Jul 2024	21017.153 REV B	Site Sections
16 Jul 2024	21017.2.3.201 REV C	Street Scene A-A Parcel 2.3 (Bovis)
16 Jul 2024	21017.2.3.202 REV C	Street Scene B-B Parcel 2.3 (Bovis)
16 Jul 2024	21017.2.3.203	Street Scene C-C D-D E-E Parcel 2.3 (Bovis)
15 Jul 2024	21017.2.2.201.1 REV D	Street Scenes A-A and B-B - Parcel 2.2 (Linden)
16 Jul 2024	21017.2.2.201.2	Street Scenes C-C and D-D Parcel 2.2 (Linden)
10 Jul 2024	21017.BC.200 REV C	Bin & Cycle Stores Plan & Elevations
09 Jul 2024	21017.2.2.AP3.300 REV A	Apartment Block 3 Plans - Linden Phase 2.2
09 Jul 2024	21017.2.2.AP3.301 REV A	Apartment Block 3 Elevations - Linden Phase 2.2
30 Jul 2024	967_02 REV F	Phase 2.2 Landscape Strategy
30 Jul 2024	967_03 REV F	Phase 2.2 Planting Plan
30 Jul 2024	967_04 REV F	Phase 2.2 Details and Notes
30 Jul 2024	967_08 REV G	Phase 2.2 Management Area Plan
30 Jul 2024	967_09 REV D	Phase 2.3 Management Area Plan
05 Aug 2024	967_10_PHASE 2.2 REV A	Phase 2.2 Tree Pit Schedule
05 Aug 2024	967_11_PHASE 2.3 REV A	Phase 2.3 Tree Pit Schedule
05 Aug 2024	967_02 PHASE 2.2 _REV G	Phase 2.2 Landscape Strategy
05 Aug 2024	967_01 PHASE 2.3 _REV E	Phase 2.3 Landscape Strategy
07 Aug 2024	21017.2.3.HL.501	Holly End - Var. 1 - Plans & Elevations
07 Aug 2024	21017.2.3.HL.502	Holly Mid - Var. 2 - Plans & Elevations
07 Aug 2024	21017.2.3.HL.701	Holly - Var. 1 - Plans & Elevations
07 Aug 2024	21017.2.3.HZ.501	Hazel End - Var. 1 - Plans & Elevations
07 Aug 2024	21017.2.3.HZ.502	Hazel Mid - Var. 2 - Plans & Elevations
07 Aug 2024	21017.2.3.SP.703	Spruce End - Var. 3 - Plans & Elevation

08 Aug 2024	21017.2.3.109 REV A	Electrical Vehicle Charging Strategy (Bovis)
08 Aug 2024	21017.2.2.PP.302 REV A	Poppy - Var. 2 - Plans & Elevations
08 Aug 2024	21017.2.2.PP.903	Poppy - Var. 3 - Plans & Elevations
08 Aug 2024	21017.2.2.SN.901	Snowdrop - Var. 1 - Plans & Elevations
08 Aug 2024	21017.2.3.B5.701 Rev B	B5 - Var. 1 - Plans & Elevations
08 Aug 2024	959-DB07	Phase 2 Infrastructure RMA Tree Pit Detail in verge

REASON: In order to ensure compliance with the approved drawings.

2. Prior to the commencement of the phase of the development for which reserved matters details are hereby approved details of the pocket park set at the south end of parcel 2.2 in this phase shall have been submitted to and approved in writing by the Local Planning Authority. The details shall include:
 - a. sectional drawings showing finished ground levels;
 - b. details of retaining structures and means of enclosure;
 - c. the specification and type of surfacing to be provided for the pocket park;
 - d. the specification, type and method of fixing of the play equipment; and
 - e. the specification and type of planting to be incorporated into the pocket park.

Thereafter, prior to the occupation of any of the dwellings for which reserved matters approval is hereby granted, the pocket park shall have been constructed and landscaped in accordance with the approved details and thereafter the pocket park shall be retained and maintained for the lifetime of the development.

REASON: In the interest of ensuring the delivery of an appropriate and accessible area of play for the benefit of the future occupiers of the development. This is a pre-commencement condition so as to ensure that the provision of a play area to serve the future occupants of dwellings of this phase is made available without undue delay.

3. Prior to the commencement of work to any of the Devon red sandstone screen walls as specified on plan reference 21017.2.2.102 Rev F hereby approved, a sample panel of stonework shall have been constructed on site and made available for inspection, together with details and specification of materials used for its construction submitted to and approved in advance in writing by the Local Planning Authority. The sample panel shall be approximately 2 square metres in size. Once approved the panel shall remain on site until the completion of works and the stonework shall be constructed to match the approved sample panel and thereafter the Devon red sandstone screen walls shall be retained and maintained for the lifetime of the development.

REASON: To ensure that the development reflects the distinctive character of the local area using appropriate and high-quality materials.

NB: The conditions attached to the outline permission, and the obligations secured under the s106 legal agreements remain in force.

3. INTRODUCTION/BACKGROUND

This application seeks the approval of the third set of reserved matters to be submitted following the allowance of the appeal on the grounds of non-determination of the hybrid permission (part outline, part full) by the Secretary of State as below:

Application Number: 17/01542/MAJ

Site Address: Land at Wolborough Barton, Coach Road, Newton Abbot TQ12 1EJ

Development: HYBRID application comprising:

Outline proposal for mixed use development comprising circa 1210 dwellings (C3), a primary school (D1), up to 12650 sq m of employment floorspace (B1), two care homes (C2) providing up to 5,500 sq m of floorspace, up to 1250 sq m of community facilities (D1), a local centre (A1/A3/A4/A5) providing up to 1250 sq m of floorspace, open space (including play areas, allotments, MUGA) and associated infrastructure (Means of Access to be determined only); and

Full proposal for a change of use of existing agricultural buildings to hotel (C1), restaurant (A3) and bar/drinking establishment (A4) uses, involving erection of new build structures, construction of an access road and parking, plus other associated conversion and minor works.

The Secretary of State decided to allow the appeal and grant planning permission on 3rd June 2020, subject to conditions and 2 legal agreements. This application seeks the approval of Reserved Matters for appearance, layout, scale and landscaping for the 2 parcels as below, outlined in red.

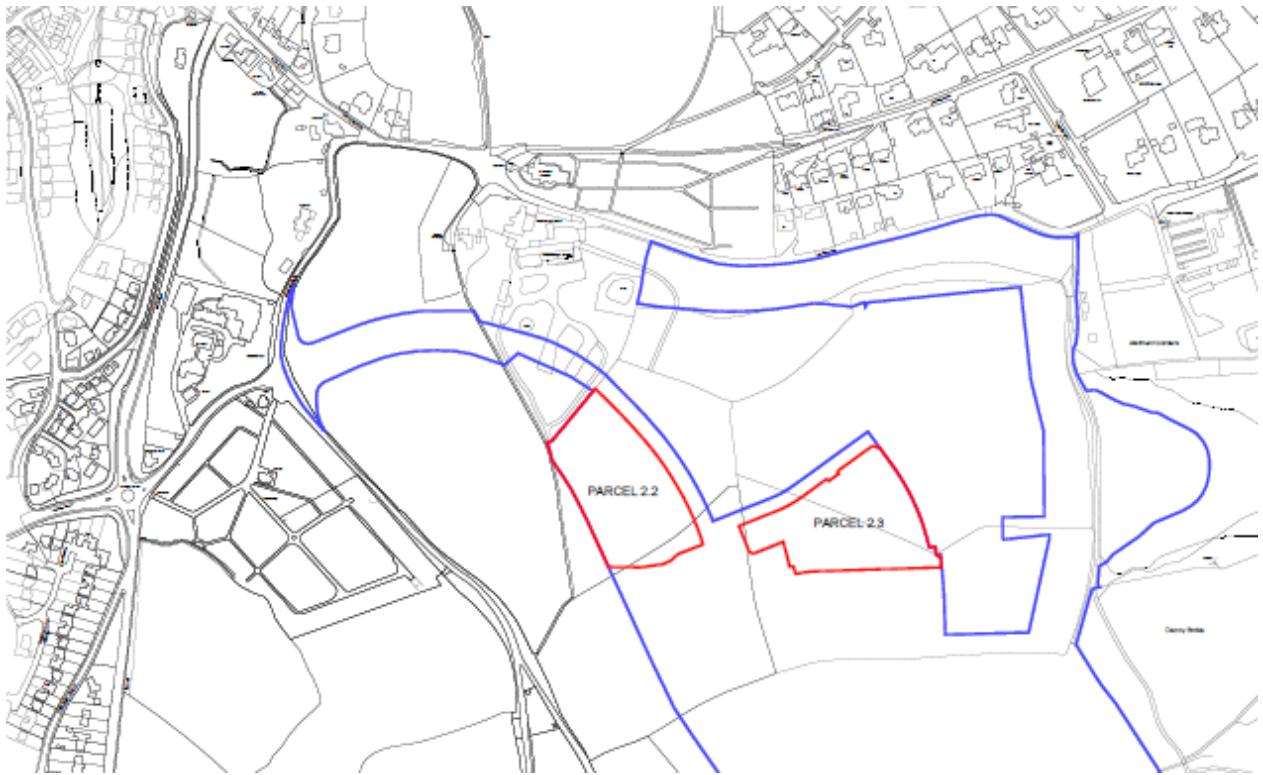


Figure 1: Phases 2.2 and 2.3 - Site Location Plan

Area 2, Phases 2.2 and 2.3 are defined within the site-wide phasing plan required by Condition 5 of the outline permission, and as approved under application reference 17/01542/COND2, as below:



Figure 2: Concept Plan

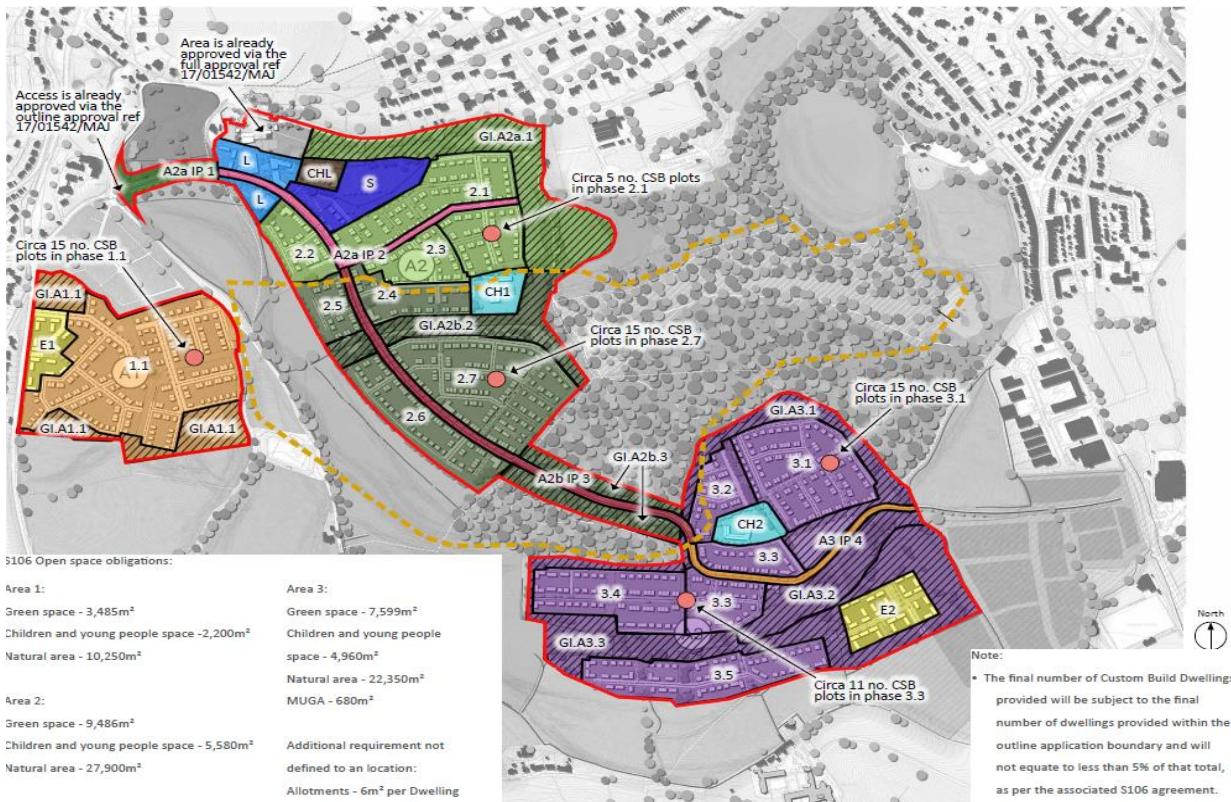


Figure 3: Approved Phasing Plan.

The plans above (Figures 2 & 3) provide information of the surrounding development to accompany these 2 residential parcels. Moving from West to East on figure 2:

- the light blue area ('L') is to be the local centre, with a selection of shops. The application for the approval of the reserved matters has now recently been submitted, and is currently undergoing validation.
- The dark blue area ('S') is to be the primary school. Outline details of this area have now been submitted to Devon County Council's education department, in line with the clauses of Schedule 2 of the s106 legal agreement entered into as part of the outline permission. It should be noted too that provision of the school is additionally the subject of Condition 28 attached to the outline permission;
- green area 2.1 is the subject of currently-live application for the approval of the reserved matters ref. 24/00220/MAJ, for 150 homes. It is hoped that this application will come before a meeting of the Committee in the near future;
- green hatched area GI.A2a1 is the subject of a recently-submitted application for the approval of the reserved matters, ref. 24/00694/MAJ relating to public open space, green infrastructure and drainage infrastructure.

It should be noted that in response to consultee responses and case officer requests, the scheme was revised during the lifetime of this application.

On this basis then, the matters to be assessed in response to this application are considered to be:

- THE EXTENT TO WHICH THE SUBMISSION ACCORDS WITH THE OUTLINE PART OF THE HYBRID PERMISSION
- LAYOUT
- APPEARANCE (INC HERITAGE)
- LANDSCAPING
- SCALE
- BIODIVERSITY
- CLIMATE CHANGE/CARBON REDUCTION
- OTHER MATTERS
- CONSIDERATION OF OBJECTIONS
- CONDITIONS
- PLANNING BALANCE & CONCLUSION

4. DESCRIPTION OF SITE

The site – 2 parcels of land, that to the west (Parcel 2.2) of area 1.23ha, and that to the east (Parcel 2.3, 1.18ha) – lie across parts of 4 hedge-bound fields that lie to the south of Newton Abbot town, and to the east of the village of Ogwell. More specifically, the site lies to the south-east the dwellings and barns of Wolborough Barton farmstead, and to the west of Magazine Lane (“Newton Abbot Footpath 3”) which runs north-south and forms the western boundary of Decoy Country Park.

The land is undulating, with both parcels sloping down from south-west to north-east: Parcel 2.2 from approx. 57m above ordnance datum (AOD) to 50m AOD; and Parcel 2.3 from approx. 56m to 46m AOD.

The grade I listed Parish Church of St Mary the Virgin stands on high ground (c63m AOD) to the north-west, within part of the Wolborough Hill Conservation Area. The site is considered to lie within the settings of both of these heritage assets.

A further public footpath – “Newton Abbot Footpath 5” – runs approx. north-south to the west and outside of the boundary of Parcel 2.2.

5. SITE HISTORY

(Please note that - in the interests of brevity – only the key applications, i.e. the hybrid permission and subsequent applications for the approval of reserved matters have been itemised here. The full list of related applications (i.e. to include condition approval submissions and non-material amendments) is available on the Council’s website.

17/01542/MAJ (18/00035/NONDET) - Mixed use (hybrid application) proposal involving: Outline - Mixed use development comprising up to 1,210 dwellings (C3), a primary school (D1), up to 12,650 sq. m of employment floorspace (B1), two care

homes (C2) providing up to 5,500 sq. m of floorspace, up to 1,250 sq.m of community facilities (D1), a local centre (A1/A3/A4/A5) providing up to 1,250 sq. m of floorspace, open space (including play areas, allotments, MUGA), and associated infrastructure. (Means of Access to be determined only) Full - Change of use of existing agricultural buildings to hotel (C1), restaurant (A3) and bar/drinking establishment (A4) uses, involving erection of new build structures, construction of an access road and parking, plus other associated conversion and minor works. – ALLOWED on APPEAL (3rd June 2020) by the (then) Secretary of State.

22/02069/MAJ - Approval of details for phase 2 link road in accordance with condition 1 of outline planning permission 17/1542/MAJ (approval sought for appearance, layout, scale and landscaping)
- RESERVED MATTERS APPROVAL (22nd March 2024)

22/00810/MAJ - Approval of reserved matters pursuant to outline planning permission 17/01542/MAJ for residential development of 236 dwellings (Use Class C3), public open space including allotments and children's play space, a surface water attenuation feature and associated landscaping and infrastructure - PENDING CONSIDERATION.

23/00597/MAJ - Approval of reserved matters (appearance, layout, scale and landscaping) for a section of road of the approved development in accordance with Condition 1 of outline permission 17/01542/MAJ – PENDING CONSIDERATION at the committee meeting of 20th August 2024.

24/00220/MAJ Reserved matters application pursuant to outline planning permission 17/01542/MAJ for the construction of 150 dwellings (Phase 2.1) (approval sought for the access appearance, landscaping, layout and scale) – PENDING CONSIDERATION.

24/00694/MAJ - Reserved matters application pursuant to outline planning permission 17/01542/MAJ for the construction of public open space, green infrastructure and drainage infrastructure (Area 2a Public Open Space and Green Infrastructure Phase 1). Approval sought for appearance, landscaping, layout and scale - PENDING CONSIDERATION.

6. PLANNING CONSIDERATIONS

The extent to which the submission accords with the outline part of the hybrid permission

- 6.1. Condition 6 (Masterplan and Design Code) required that a Masterplan and Design Code should be formulated broadly in accordance with the Design and Access Statement, the outline permission's Illustrative Masterplan (Ref: 141204I 02 02 k), and the Parameter Plan 141201 P01 Rev B. Such Masterplan and Design Code were the subject of application ref. 17/01542/COND1, and they were approved on 23rd June 2023. The condition requires that any application for the approval of reserved matters should comply with the approved Design Code.



Figure 4: Illustrative Masterplan.



Figure 5: Parameter Plan.



Figure 6: Masterplan within approved Design Code (extract).

- 6.2. It can be seen from the above plans that the 2 parcels of housing that are the subject of the current application are broadly consistent across the two masterplans; and also, that they lie within the grey area of the parameter plan, i.e. that where built form is permitted.
- 6.3. Subject to the further analysis below, in the light of the relationship of the submission to the approved design code and masterplan it is considered that the reserved matters as here applied for do accord with the requirements of the outline permission.

Layout

- 6.4. The layout has been assessed by officers against the considerations of the national design guidance document, Building for a Healthy Life, as embedded in the National Planning Policy Framework December 2023 (the NPPF) at paragraph 138. The submission scores highly in this regard. In particular the layout of the scheme would:
 - Invite trips made by bicycle
 - Add to local distinctiveness through appropriate materials and planted areas
 - Create well-defined streets and spaces
 - Provide a range of homes that meet local community needs and
 - Feature street trees
- 6.5. It is considered that the layout positively responds to the existing topography and vegetation of the site, with the minimum of adverse intervention. Parcel 2.2 does

however feature a relatively large (20 space) rear parking court. These are often not the favoured parking arrangement due to the risk that poorly designed spaces may attract anti-social behaviour. However, the twin constraints posed by both the pronounced undulating site topography and the need to avoid private driveways opening out onto the main link road/ bus route through the wider site indicates that this is an acceptable solution in this instance. Effective hedge planting has been proposed along the northeast and southwest edges of the parking court. The parking spaces have been broken up with proposed trees. A tree is proposed at the northwest end of the court serving as vista stopping feature in views from the access at Plot 11. Together, the landscaping helps to soften the appearance and perception of the parking court. Plots 1 to 12 and Plots 16 to 21 all have rear windows overlooking the space which adds to the natural surveillance of the area.

- 6.6. Both Devon Highways and Teignbridge's Waste team are content with the layout with regard to emergency and refuse collection vehicular access.
- 6.7. Lastly the layout would be both legible and permeable, in a manner conducive to cycling and walking. It is considered that the details relating to layout accord with Teignbridge Local Plan 2013-2033 (TLP) Policies S2 and NA3; and Newton Abbot Neighbourhood Development Plan (NANDP) Policies NANDP2, NANDP4,

Housing Mix

- 6.8. Teignbridge's emergent new Local Plan which has been submitted for examination is nearing the end of its process, and so its policies are to be afforded increasing weight. There are 2 in particular that are relevant to the consideration of the subject layout as below:
- 6.9. Policy H4: Inclusive Mix, Design and Layout - Residential development sites which incorporate affordable housing will be designed to ensure the creation of inclusive, mixed communities as follows...the mix of housing sizes (i.e. the number of bedrooms) for both market and affordable homes is based on household sizes and evidenced need, and is reflected proportionally across the overall housing provided on the site (Point 1); and
- 6.10. Policy H5: Homes Suitable for All - To achieve a range of housing sizes and specifications that meet a wider range of needs, all new residential developments of 10 dwellings or more will...meet the needs of household types in the locality by providing a house size mix to reflect the demand from smaller households (Point 4).
- 6.11. Paragraph 5.33 adds: Evidence from the Local Housing Needs Assessment (LNHA) shows a Teignbridge-wide demand in future for the following house sizes. This is a starting point for informing mix of household sizes as it may vary from place to place across the district and does not account for [occupant] aspirations.
 - a. 1 bed – 8%
 - b. 2 bed – 22%
 - c. 3 bed - 52%
 - d. 4+ bed - 18%

Against these 'starting point' guidelines, the mix of the scheme would be (approx. figures, due to rounding):

1 bed – 6%

2 bed – 27%

3 bed - 62%

4+ bed - 2%

6.12. It is considered then that the provision of this application accords well with the aspirations of the relevant policies of the emerging local plan, and that it meets the evidenced demand from smaller households within our District.

6.13. With regard to the provision of affordable housing, the Section 106 Agreement with the District requires the affordable housing percentage to be 20%; and the tenure mix to be 70/30 with the larger numbers provided as rental accommodation as that is the greatest level of need across Teignbridge.

6.14. Following an Affordable Housing Officer objection to the scheme as initially submitted, the layout has since been revised as below so as to enable them to withdraw their initial objection.

Phase	Affordable House Type	No.
2.2	1 Bedroom Apartment	6
2.2	2 Bedroom Apartment	2
2.2	2 Bedroom House (3 person)	2
2.2	2 Bedroom House (4 person)	2
2.3	3 Bedroom House	6
2.3	4 Bedroom House	2
Total Affordable Homes		20
Total Open Market Homes		74
Affordable Homes Provision		21%

6.15. Lastly it is noted that the distribution of the affordable homes across the 2 parcels avoids excessive clustering.

Car Parking provision

6.16. The approved Wolborough Design Code seeks an average rate of:

1 parking space for 1-bed dwellings;

2 parking spaces for 2/3 bed-dwellings;

3 spaces for 4-bed (or larger) dwellings; and

1 visitor/ unallocated space per 10 dwellings.

6.17. A total of 194 parking spaces would be provided for the 94 dwellings for which approval is now sought, of which 182 would be allocated, and 12 visitor/unallocated. Furthermore, the provision accords with the specification above.

Lighting

6.18. Lighting has been kept to the minimum necessary due to the site lying within the South Hams Special Area of Conservation (Greater Horseshoe Bats) SAC. Control would be maintained through Condition 12 (Lighting) attached to the outline permission.

Drainage

6.19. Details of the layout strategy for sustainable surface water and ground water drainage (SUDS) (including temporary drainage provision during construction) including mechanisms for ongoing management were submitted to and approved in writing by the local planning authority in collaboration with the Lead Local Flood Authority on 11.6.24 under reference 17/01542/COND7. This approval covered all of Area 2(a), within which both of the subject parcels lie.

6.20. Approved Plan PDL-02-07 Rev E indicates that the strategy for dealing with the surface water for both of the parcels of the current application would be by means of a large swale to the east of Area 2(a) with the maximum attenuated discharge rate as indicated.

6.21. The drainage layout of this current application accords with that approved under the above condition.

Appearance (inc. Heritage)

6.22. The homes would be of conventional, duo-pitched roof form, with formal/ regular window and door arrangements for their principal elevations. External finishes would include a locally-appropriate range of pastel renders, together with a proportion of ruddy-brick and stone finish also being featured.

6.23. A number of other locally-appropriate features are specified, to include contrasting plinths, a varied selection of front-door porches, string courses, arch-form architrave, pronounced quoins, iron-work balconies, shallow-segmental and flat brick window arches. Parcel 2.2 would feature all natural slate roofs.

6.24. Boundary walling in visually-prominent locations has been specified to be of locally-distinctive Devon Red sandstone. It is considered that this material should be the subject of a suitable condition attached to any approval to ensure the quality.

6.25. Mindful of the site's location within the settings of both the grade I listed Parish Church of St Mary the Virgin and the nearest part of the Wolborough Hill Conservation Area to the north-west, consideration must be given to the impact of materials and texture of the development (as above).

6.26. The comments of Historic England are noted – but they must be seen in the context of the allowance of the appeal by the Secretary of State. The analysis in his decision (paras 20, 23 and 24) with regard to the heritage impacts of the wider

scheme is noted and concurred with for this phase, i.e., that the appearance of the parcels of housing would have a neutral impact upon the character and appearance of the Wolborough Hill Conservation Area. Similarly, it is considered that the appearance of the parcels of housing within the setting of the church would have less-than-substantial harm on that asset. This harm will be returned to in the discussion of the planning balance below.

Landscaping

- 6.27. No existing trees would be felled as part of this scheme. New planting would include 32 new trees, together with extensive and varied shrubbery and ground-cover as shown on plans 967/03 G and 967/01 E. The trees to be planted would include maple, Winter-flowering cherry, whitebeam, Callery pear and ornamental cherry. It is considered that the proposed landscaping would accord with the requirement of para 136 of the NPPF (Dec 2023) that 'Planning ... decisions should ensure that new streets are tree-lined.'
- 6.28. In accordance with the specifications for public open space within the approved Wolborough Design Code (3.2b, pages 66 and 67) the submission includes details of a pocket park to be set at the south end of Parcel 2.2. Whilst giving details for the soft landscaping, submitted plan 967/07 D shows only indicative details of the hard landscaping to be provided – to include play equipment. Accordingly it is considered that this should be the subject of a suitable condition.

Scale

- 6.29. None of the built form would exceed 2½ storeys (i.e. 2 full storeys with accommodation within the roofspace). In particular, mindful of the need to minimise the impact of the scheme within the setting of the grade I Parish Church of St Mary the Virgin, over the course of the application the block of flats has been reduced from its former 3 storeys.
- 6.30. In terms of height, none of the individual buildings proposed would be unduly tall or have an overbearing impact on the wider landscape, surrounding built environment and, significance of the listed Church .
- 6.31. Similarly, no single building would be unduly wide or long. As such it is considered then that the details relating to scale do accord with TLP Policy S2, and the approved design code.

Biodiversity/habitat regulations assessment (HRA)

- 6.32. The environmental impact of the overall development proposal was considered at the hybrid (outline) stage with reference to the submitted environmental statement. Impacts on levels of biodiversity are protected through Conditions 7 (Ecological Mitigation Strategy) and 8 (Landscape and Ecology Implementation and Management Plan). The lifting of the earlier objection of the Biodiversity Officer is noted.
- 6.33. With regard to the recently introduced requirement for assessment using the DEFRA biodiversity net gain metric, as the hybrid permission pre-dates the former's introduction, the requirement does not apply in this instance.

6.34. To conclude, it is considered, subject to the controls as specified within the relevant conditions attached to the hybrid permission, that the proposal would accord with development plan policy and national guidance with regard to biodiversity.

Habitat Regulations Assessment/Greater Horseshoe Bats

6.35. The site lies within the Landscape Connectivity Zone of the South Hams Special Area of Conservation (SAC). As part of the assessment of these reserved matters attention has had to be given to amending the design so as to ensure that no harm to Greater Horseshoe Bats would result.

6.36. For the purposes of the Conservation of Habitats and Species Regulations 2017 (as amended) Teignbridge District Council has consulted Chrissy Mason MSc MCIEEM, Lead Planning and Technical Ecologist of Burton Reid Associates.

6.37. She is of the view that, subject to the approval of an appropriate lighting scheme prior to installation being in place in accordance with discharge of 17/1542/MAJ Condition 12 (lighting), and subject to the works being undertaken strictly in accordance with the submitted document, it can be concluded that the proposals will not adversely affect the integrity of South Hams SAC alone or in combination with other plans or projects.

6.38. Natural England have been re-consulted and raise no objection.

6.39. Accordingly, for the purposes of the Conservation of Habitats and Species Regulations 2017 (as amended) Teignbridge District Council hereby adopts the conclusion dated 19th July 2024 of Chrissy Mason MSc MCIEEM, Lead Planning and Technical Ecologist, Burton Reid Associates as its own, and as Competent Authority, is able to conclude that there will be no effect on the integrity of the South Hams Special Area of Conservation (SAC).

Climate change/carbon reduction

6.40. Local Plan Policy S7 - Carbon Emission Targets, seeks a reduction in carbon emissions per person in Teignbridge of 48% by 2030. Policy EN3 - Carbon Reduction Plans, requires major developments to indicate how the carbon reduction will be achieved, including consideration of materials, design, energy, water, waste, travel and so on.

6.41. The site is well-related to the services and job opportunities of the town. Cycle access largely separated from the carriageway would be provided both east and west. Pedestrian access would also be provided in this manner, and additionally north-south via Footpaths 3 (to/from the Church) and 5 (Magazine Lane).

6.42. Other features to address the Climate Crisis would include:

6.43. The specification for Air-Source Heat Pumps (ASHPs) throughout, ie no heating through the burning of hydrocarbons

6.44. Build-out to 2025 building regulation Future Homes standard, which would produce 75-80% less carbon emissions than homes delivered under current regulations.

6.45. Secure, naturally-lit cycle storage for the flat block

6.46. Electric vehicle charging points for all dwellings

6.47. Pro-active planting, (primarily for amenity impact) but which would also serve to help reduce rates of climate change

6.48. However, whilst it was previously anticipated that the residential element of the site would be timber-framed construction, the applicant has stated that further consideration of the site topography and resulting construction detail related challenges (for example the incorporation of steps, staggers and abutments) indicates that it is more likely that Phases 2.2 and 2.3 would be built using block-built construction methods. Whilst solar PV panels have not been deployed in this instance, it is considered that the measures set out above are sufficient to conclude that the development would comply with Policies S7 and EN3 of the Local Plan.

6.49. The scheme has thus taken opportunities to limit its impact.

Other Matters

Neighbours' amenity

6.50. There are considered to be no immediately adjacent neighbours upon whom the approval of these reserved matters (as opposed to the approval of the hybrid permission by the Secretary of State in 2020) would have a material impact.

Police Liaison Officer comments

6.51. It is noted that the Police Liaison Officer remains concerned regarding the surveillance of the parking court serving Plots 1 to 21. As set out earlier in this report, several dwellings would feature rear first floor windows which would overlook the parking court and provide passive surveillance. In respect of provision of external lighting, the details of this are required under Condition 12 of the outline permission where lighting the can parking court could be secured subject to it being appropriate in respect of its impact on greater horseshoe bat commuting routes.

Consideration of objections

6.52. It is noted that a number of the points raised in objection do not limit themselves to consideration of the reserved matters for which approval is here being sought, but instead address the principle of the development, or express concern relating to matters controlled through conditions attached to the hybrid permission.

6.53. Many of the issues raised are dealt with elsewhere in the body of this report.

6.54. Furthermore, additional environmental protection is secured by the numerous conditions attached to the hybrid permission which inter alia seek to address the climate crisis and biodiversity levels.

6.55. Notably the Wolborough Fen SSSI is protected through Condition 20 of the outline permission; a Construction Environmental Management Plan is required through Condition 14; and impacts on wildlife through Conditions 7 (Ecological Mitigation Strategy); 8 (Landscape and Ecology Implementation and Management Plan); and 12 (Lighting).

6.56. The expressed concerns with regards to the integrity of the Wolborough Fen are noted. This matter was explored in depth at the public enquiry that culminated in the

Secretary of State's (SoS's) decision of 3rd June 2020. Noteworthy within the text of the decision is paragraph 82 of the Inspector's report to the SoS, which reads:

- 6.57. "Both the Council and NE have now withdrawn their previous objection in relation to impact on Wolborough Fen SSSI and agree that this issue can appropriately be dealt with by planning condition."
- 6.58. The current objections should be read in the light of both this earlier withdrawal and the specific wording of the relevant condition, number 20. It is important to be mindful of the exact wording of Condition 20 - and that it covers the Wolborough Fen SSSI hydrological catchment, and not the entirety of the area covered by the decision of the Secretary of State. The extent of the boundary of the hydrological catchment has been agreed by Natural England at the Appeal Stage.
- 6.59. Bearing in mind the wording of the condition, this application is located wholly outside of the hydrological catchment of the Wolborough Fen SSSI, therefore its requirements do not apply to this part of the development.
- 6.60. The 'Groundwater representation'. A representation was received on 16th August. On the basis that planning officers would have had very little time – if any – to properly consider its contents, and furthermore, that the representation had not been provided to either the Applicant or Natural England for their consideration and response (if any), on the advice of the Council's Head of Legal and Democratic Services (Monitoring Officer), the appearance of this application before the Planning Committee was deferred. Its contents and the officer response are discussed below. The points raised by the contributor are addressed in turn and using the headings of the representation itself.

1. Qualifications and Experience of Reviewer

- 6.61. The extensive range of scientific qualifications and accreditations of the contributor is noted. Also noted is that these qualifications and accreditations do not extend into the legal or professional town planning spheres.

2. Groundwater Dependence of Wolborough Fen SSSI

- 6.62. Assertions accepted.

3. Surface Water Catchments and Groundwater Catchments

- 6.63. The documents to which the contributor refers were available to the Inspector, and in turn the Secretary of State (SoS) at the time of the appeal. The contributor asserts that the use of the hydrological catchment as a proxy for the groundwater catchment is 'scientifically unsound'. Nonetheless such use was expressly accepted by Natural England (see 'NE response to PINS 8 Feb 2019', saved under the reference for the appeal, but also under the reference for this application, for convenience.). It is considered that advice of Natural England is properly to be afforded greater weight than the views of the contributor.

4. Potential for Development Impact on Groundwater Regime and Wolborough Fen SSSI

6.64. (This paragraph has no concluding assertion)

5. Use of Impact Mitigation Measures to Protect Groundwater Regime and Wolborough Fen SSSI

6.65. The contributor concludes that, “*if the development goes ahead, it will increase the risk to the SSSI. And the only way to avoid increasing risk to the SSSI is to not proceed with the development.*”

6.66. This risk was considered by the Inspector and in turn the SoS at the time of the appeal. It was determined at that time that the attachment of, and control to be exerted through Condition 20 would ensure that such risk would indeed be avoided.

6. Condition 10 and 20 and LPA Interpretation

6.67. Regarding Condition 10 (sustainable surface water and ground water drainage - SuDS), the interpretation of the contributor that this condition is primarily focused upon surface water run-off issues (ie rather than wider environmental or ecological concerns) is accepted. The officer view is that the application of the condition to the whole application site is approach is consistent with and symptomatic of the purpose of the condition.

6.68. Regarding Condition 20 (protection of the Wolborough Fen SSSI) the contributor again queries the use of the hydrological catchment as a boundary marker. In response the officer comments at (3) above should again be referred to. Secondly, the very existence of Condition 20, and its focus upon the environmental and ecological protection specifically of the Fen catchment clearly implies and differentiates itself from the ‘drainage’ focus of Condition 10 applied in contrast to the whole site. The officer view is that the 2 conditions should be viewed as working together as a pair, as part of the planning permission as a whole. This is in contrast to the more articulated interpretation of the contributor.

6.69. (Lastly -for the avoidance of doubt- it is assumed that the word ‘derogation’ in the text is a typographical error, and that the contributor instead possibly intended the word instead to read, ‘degradation’.)

7. Summary and Conclusions

6.70. This is made up of 13 bullet points ('bp's), as below:

- bps1 – 6: agreed
- bp7: “*SUDS infiltration schemes are however not being used in the final drainage scheme designs for the Access Road and Phase 2.1, and therefore the potential for impact on the Fen SSSI is not being reduced, mitigated or avoided*”.

Not accepted, as the current application sites lie outside the agreed-by-Natural-England catchment boundary of the Fen.

- bp8: “*The decision by the developer to not use SUDS infiltration schemes is due to ground investigations demonstrating infiltrations schemes are likely, at least locally, to not work and not reduce flood risk. Flood risk reduction is therefore being prioritised before environmental protection.*”

Not accepted – both flood risk reduction and environmental protection are being addressed.

- bp9: “*Any drainage scheme the developer uses which excludes infiltration may impact on the Fen SSSI. If the developer cannot for reasons of feasibility use infiltration SUDS techniques, then the only way to be certain to avoid the potential for impacts on the SSSI is not to progress with the development.*”

Not accepted, at least for areas outside the accepted-by-Natural-England catchment boundary of the Fen.

- bp10: ”*Development conditions require the drainage schemes to be sustainable – the current designs are clearly not environmentally sustainable and therefore the schemes do not meet Condition 10.*”

Not accepted. Discussed at (6) above.

- bp11:”*The Development conditions require the development to not have an adverse impact on the integrity of the Wolborough Fen SSSI. The Local Planning Authority (LPA) has defined the area which could impact the SSSI as limited to the hydrological catchment of the SSSI, yet the LPA and Natural England recognise the SSSI is a groundwater dependent ecosystem.*”

This assertion is incorrect. It is not the Local Planning Authority (LPA) that has defined the area which could impact the SSSI as being limited to the hydrological catchment of the SSSI; this was instead defined by the Planning Inspector appointed by the SoS, as advised by Natural England themselves.

- bp12:”*The LPA and Natural England rely on an early ‘working’ assumption based on little data, on the hydrological and hydrogeological catchments of the SSSI being coincident, despite the developer’s own consultants i) disagreeing with this opinion and ii) recognising that impacts to neighbouring groundwater catchments may impact the Fen SSSI.*”

Nonetheless, permission has been granted by the highest authority in the land, and in turn the lawfulness of the permission was tested – and found to be sound - through the courts. (Judgment Abbotskerswell Parish Council v Secretary of State for Housing, Communities & Ors [2021] EWHC 555 (Admin) (11 March 2021)

- bp13: “*The wording of Condition 20 is therefore not only technically incorrect in assuming the hydrological catchment management will protect the SSSI, but consequently Condition 20 will not achieve its objective, which is to protect the SSSI. Development compliance with Condition 20 will not protect the SSSI from development activities associated with the Access Road and/or Phase 2.1.*”

The contributor's view conflicts with that of Natural England and the SoS. The latter two together form the higher authority.

6.71. The contributor's final conclusion is that "*the only logical conclusion to ensuring avoidance of impact from the development on the 'integrity of the Wolborough Fen SSSI' is not to progress with the development.*"

Officer Conclusion

6.72. The representation makes a number of contentions relating to the potential impact of the development upon the Wolborough Fen SSSI.

6.73. The application for the development, supplemented by an Environmental Statement was granted outline planning permission by the Secretary of State following a public enquiry, supported by and subsequent to extended and extensive advice from Natural England (the nation's non-departmental public body responsible for ensuring that England's natural environment, is protected and improved.)

6.74. A legal challenge to this granting of permission was subsequently mounted and dismissed at the High Court.

6.75. In accordance with Natural England's advice, the application was granted subject to 2 conditions, Nos 10 and 20 intended to, firstly, prevent harm from surface water run-off; and secondly, to prevent harm to the Fen.

6.76. These protections remain in place.

6.77. The current applications for the approval of reserved matters, here limited to the appearance, landscaping, layout and scale of the development are those matters before Members now.

6.78. Notwithstanding the contentions made within the Groundwater representation, it remains the very firm view of your officers that there is no lawful impediment preventing the consideration – and, were the Committee to be so minded - the approval of the details of the **appearance, landscaping, layout** and **scale** of the development as now sought.

Conditions

6.79. Consideration has been given to the need or otherwise for further conditions to be attached to any approval. The following are covered as below.

6.80. Matters relating to drainage are covered by outline Conditions 10 (surface water), 13 (foul drainage) and 20 as above. These are subject to detailed negotiations with both the Environment Agency and the Devon County Council Lead Local Flood Officer.

Conclusion/ planning balance

6.81. There is very little, if any deviation from the approved parameter plan, Masterplan and Design Code.

6.82. Third party objections and concerns have been noted and considered throughout the determination of this application and where material, are either adequately addressed by the proposal through the submission of amended drawings and reports, or conditioned where necessary.

6.83. A planning balance must be taken. The site is part of the wider NA3 allocation, and significant weight must be given to the approval of the reserved matters for these 94 homes so that they can be delivered and play a part in addressing the pressing needs of our community.

6.84. On the other hand, and in line with paragraphs 205 and 208 of the NPPF, where a development proposal would lead, as here, to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against these public benefits.

6.85. Whether or not the identified less than substantial harm to the significance of the Grade-I listed St Mary the Virgin church is outweighed by the public benefits of approving the reserved matters of the development the proposal has indeed been considered. In accordance with the s.66 duty (Planning [Listed Buildings and Conservation Areas] Act 1990), considerable weight is attributed to the harm, particularly bearing in mind the asset's high status.

6.86. However, it is considered that the benefits of approving the reserved matters for this phase of the wider site are collectively sufficient to outbalance the identified less than substantial harm to the significance of the Grade-I listed St Mary the Virgin church, particularly taking into account the importance of unlocking the delivery of the wider scheme to the future growth and economic prosperity of the community. It is considered that the balancing exercise under paragraph 208 of the NPPF is therefore favourable to the proposal, and that these reserved matters should be approved.

7. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

NA3 Wolborough
S1A Presumption in favour of Sustainable Development
S1 Sustainable Development Criteria
S2 Quality Development
S3 Land for Business, General Industry and Storage and Distribution
S5 Infrastructure
S6 Resilience
S7 Carbon Reduction Plans
S9 Sustainable Transport
S10 Transport Networks
S14 Newton Abbot
WE2 Affordable Housing Site Targets
WE3 Retention of Affordable Housing
WE4 Inclusive Design and Layout
WE11 Green Infrastructure
EN1 Strategic Open Breaks
EN2A Landscape Protection and Enhancement
EN5 Heritage Assets
EN8 Biodiversity Protection and Enhancement

- EN9 Important Habitats and Features
- EN10 European Wildlife Sites
- EN11 Legally Protected and Priority Species
- EN12 Woodlands, Trees and Hedgerows

Teignbridge Local Plan 2020-2040

Teignbridge Local Plan 2020-2040 was published on 14 March 2024 and has been submitted for public examination. The National Planning Policy Framework sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies, and their degree of consistency with policies in the National Planning Policy Framework. The following emerging policies in particular are considered relevant to the proposed development:

- DW1: Quality Development
- DW2: Development Principles
- DW3: Design Standards
- H4: Inclusive Mix, Design and Layout
- H5: Homes Suitable for All

Newton Abbot Neighbourhood Development Plan 2016-2033

- NANDP2 Quality of Design
- NANDP3 Natural Environment and Biodiversity
- NANDP4 Provision of Cycle/Walkways
- NANDP5 Provision of Community Facilities
- NANDP11 Protection of Designated and Non-Designated Heritage Assets.

Material Considerations: National Guidance

- National Planning Policy Framework December (2023)
- National Planning Practice Guidance (2014 onwards)
- The National Design Guide (2019)
- Building for a Healthy Life (2020)
- The National Model Design Code Parts 1 and 2, (2021)

8. CONSULTEES

The most recent consultation responses are summarised where appropriate. Full comments and older responses are available in the online case file

Historic England (16 July 2024)

Historic England continues to have concerns regarding the application on heritage grounds. These concerns relate to the further erosion of rural experience of the grade I listed Church of St Mary. The council should seek opportunities to avoid and minimise the impact allowing for a better connectivity to its rural surroundings to be appreciated. In their determination of the application, the council should ensure that they have given the greatest weight to the church's conservation. We consider that the issues and safeguards outlined in our advice need to be addressed in order for

the application to meet the requirements of paragraphs 201, 205 and 212 of the NPPF [Dec 2023].

Natural England (9 July 2024)

No objection - subject to appropriate mitigation being secured. We consider that without appropriate mitigation this application will have likely significant effects on the greater horseshoe bats associated with the South Hams Special Area of Conservation (SAC). On the basis that detailed mitigation will be secured for this phase of the development, as set out in the Habitats Regulations Assessment (produced by Burton Reid on behalf of the Local Authority), Natural England concurs that the proposed development will not have an adverse effect on the integrity of the SAC.

Natural England (5th September 2024)

With regards to reserved matters application 23/01310/MAJ (for 94 dwellings), Natural England has no further comments to make.

DCC Highways (31 July 2024)

No further comments (previously no objection)

DCC Lead Local Flood Authority (1 September 2023)

The LLFA asked for more details for the discharge of conditions application (17/01542/COND7) and considered that it should be addressed before this Reserved Matters application is determined.

[Case officer note: The details of the strategy for sustainable surface water and ground water drainage (SUDS) (including temporary drainage provision during construction) to cover all of Area2(a) was submitted to and approved in writing by the local planning authority in accordance with the advice given by the flood authority on 11th June 2024.]

DCC Lead Local Flood Authority (23rd August 2024)

As mentioned within the 16th August 'Groundwater representation', we as the LLFA would need to ensure that the proposed development would not increase surface water flood risk. For infiltration to work, we need to ensure that the proposed infiltration feature would be located at least 1m from the highest seasonal groundwater level. The planning application is outside of the Fen Catchment. For the proposed attenuation option and its associated impact to the Fen catchment, I think Natural England would be in a better position to advise. I am sure that Natural England would like to consider the water quality from the proposed development site should [an] infiltration option be used.

TDC Affordable Housing Officer (26 July 2024)

I have looked at the plans and it appears that the objections I raised in my consultation response dated 23 May 2024 have been taken into consideration. In principle these revised plans appear to address my previous concerns.

TDC Biodiversity (15 July 2024)

No objections

Biodiversity Consultant (re HRA/Greater Horseshoe Bats – 23 July 2024)

Subject to discharge of Outline Condition 8 (Landscape and Ecological Implementation and Management Plan; Condition 12 (Lighting Strategy and Impact Assessment); Condition 14 (Construction Ecological Management Plan) for Phases 2.2 and 2.3 prior to development and subject to works being undertaken strictly in accordance with the following documents, it is concluded the Reserved Matters proposals will not adversely affect the integrity of South Hams SAC alone or in-combination with other plans or projects.

Natural England has been consulted on the previous assessment and advised in its consultation response of 7 July 2024 (Ref: 478808) No Objection subject to appropriate mitigation being secured. Natural England in its response concurred with the previous assessment that on the basis that detailed mitigation will be secured for this phase of development as set out in the Habitats Regulations Assessment (produced by Burton Reid Associates on behalf of the Local Planning Authority) that the proposed development will not have an adverse effect on the integrity of the SAC. Natural England provided this advice on the assumption that the Authority intends to adopt this HRA to fulfill its duty as competent authority.

Police Liaison Officer (26 July 2024)

Efforts were made to improve the surveillance opportunities to the space at the rear of plots 1-21 but queries if the space is to be lit as per BS 5489. There remains space to the rear boundary of a significant number of plots. This can compromise the security of dwellings and does not adhere to designing out crime or Secured by Design principles. Appreciates that from the plans it appears rear service paths have been gated and support that parking bays will be clearly marked to denote ownership.

TDC Waste (29 July 2024)

Content with the bin store capacity, refuse strategy document and the swept path analysis for the waste and recycling vehicles.

9. REPRESENTATIONS

(Summarised – the full versions are available on the Council's website)

A total of 12 third party representation have been received (of which a number feature duplicated content). All are of objection. Comments have been received in particular from the Wolborough Residents Association (WRA) and the Newton Abbot and District Civic Society (NADCS).

It should be noted too that many of the representations address issues that range beyond the details of the matters reserved for determination, to instead make reference to issues relating to the principle of the outline permission that was granted by the Secretary of State.

The main points of objection raised include the following:

- Reference is made to the need to comply with the conditions attached to the outline permission;
- Wolborough Fen is a fragile ecosystem which supports rare plants and invertebrate animals, an outlier which makes it important for genetic diversity. That is why it is designated as an SSSI, and Teignbridge should protect and be proud to have this nationally important asset;
- The proposal would adversely impact the setting of St Mary's Church;
- Concern expressed regarding the impact of the proposal upon the South Hams Special Area of Conservation/Greater Horseshoe Bats, and other bats;
- Concerns about the loss of beautiful countryside;
- Concern that the road network would be inadequate to cope with the increased levels of usage;
- Concern re the urbanising impact of 1200 new homes; and
- Concern re impact upon the 'already-inadequate' provision of GP surgeries in the town.
- Lastly, a representation was received on 16th August, ("The Groundwater representation") that raised a number of issues. This has been dealt with in Section 6 above.

10. TOWN COUNCIL'S COMMENTS

(17 July 2024) No objection, subject to mitigation of the issues as outlined by Historic England are met.

Case Officer Response: The issue of the continued concerns of Historic England is dealt with within the 'Appearance' and 'Conclusion' sections above.

11. COMMUNITY INFRASTRUCTURE LEVY

The proposed gross internal area (open market only, as affordable units are not liable) is 6,774.32m². The existing gross internal area in lawful use is 0. The CIL liability for this development is £755,946.08. This is based on an open-market-only total gross internal area of 6,774.32m² at £70 per sqm, and includes an adjustment for inflation in line with the Building Cost information Service (BCIS) index since the introduction of CIL.

12. ENVIRONMENTAL IMPACT ASSESSMENT

In determining the original outline planning application considered under reference 19/00239/MAJ, the Local Planning Authority took into consideration the Environmental Statement submitted with the planning application and also all of the consultation responses and representations received, in accordance with Regulation 3 (4) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

The current application, which seeks reserved matters approval, is considered in compliance with the outline planning permission for the purposes of EIA.

The need for a further EIA has therefore been “screened out” for this application as the proposals, with the mitigation secured by the Conditions and s106 Obligations as detailed within the outline planning permission and the conditions imposed, would not give rise to any significant environmental effects within the meaning of the Environmental Impact Assessment Regulations 2017.

13. HUMAN RIGHTS ACT

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests/ the Development Plan and Central Government Guidance.

Head of Development Management

TEIGNBRIDGE DISTRICT COUNCIL

Planning Committee Report

Chairman: Cllr Colin Parker

23 SEPTEMBER 2024

Report Title	Planning Application Validation Guides
Purpose of Report	To inform Members of the recent consultation relating to the Validation Guides which have been updated in accordance with the requirement to review and republish the local list of validation requirements every two years.
Recommendation(s)	The Committee is asked to note the consultation and recommend that Full Council adopt the revised Validation Guides
Report Author	Ian Perry. Interim Head of Development Management
Executive Member	Cllr G Taylor
Appendices	<ol style="list-style-type: none"> 1. Validation Consultation Responses 2. Validation Guide 3. Validation Guide - Householder
Background Papers	None

PURPOSE

- 1.1. Under The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Regulation 11) Local Planning Authorities (LPA) are required to review and re-publish their local list validation requirements every two years.
- 1.2. Between these formal reviews, the guides are living documents that are updated in response to legislation and policy changes.
- 1.3. Local list validation requirements must be:
 - reasonable, having regard in particular to the nature and scale of the proposed development; and,
 - about a matter which it is reasonable to think will be a material consideration in the determination of the application.

These statutory tests are set out in section 62 (4A) of the Town and Country Planning Act 1990 (inserted by the Growth and Infrastructure Act) and article 11(3)(c) of the Town and Country Planning (Development Management Procedure) (England) (Order) 2015.

- 1.4. The Teignbridge District Council Validation Guides include both the national list of validation requirements and the local list of validation requirements and set out the information to be submitted to the council for the different types, nature and sizes of planning application. There are two guides, a main guide and a simplified version for householder applications.
- 1.5. Provided the required information is submitted an application will be considered valid. The quality of the information is assessed during the course of the application and further detail sought if necessary.
- 1.6. Legislation does not stipulate how the local lists should be reviewed and re-published but the National Planning Practice Guidance (NPPG) recommends a three step process:
 - Step 1 - Review the existing local list to identify the drivers for each item on the list. These drivers should be statutory requirements, policies in the National Planning Policy Framework or Development Plan, or published guidance that explains how adopted policy should be implemented.
 - Step 2 - Where the LPA considers that changes are necessary, the proposals should be issued to the local community, including applicants and agents, for consultation.
 - Step 3 – Consultation responses should be taken into account when preparing the final revised list. The revised list should be published on the LPA's website.
- 1.7. In accordance with Step 1 a review of the local list of validation requirements was undertaken and revisions of the Validation Guides made to reflect changes in legislation and policy, both for Teignbridge District Council and our Statutory Consultees.
- 1.8. As changes from the previous guides were required, in accordance with Step 2, an 8 week consultation was launched on the Teignbridge District Council website and comments were invited from agents via the Registered Agents Newsletter, from District Councillors via the Members' Newsletter, from Town and Parish Councils via email, and from all statutory consultees via email. Reminders were also sent out towards the end of the consultation period.
- 1.9. All responses received have been reproduced in the attached document and, following full consideration of the issues raised, the responses have been answered and amendments made to the validation guides where appropriate.
- 1.10. The final versions of the validation guide and simplified householder validation guide are attached.

IMPLICATIONS

2.1 Financial

There are no immediate resource implications arising from this report. It is a statutory requirement and part of the normal planning process.

2.2 Legal

This is a standard procedure to review and republish the local lists in line with statutory requirements and accordingly there are no legal issues arising from the review.

2.3 Risks

Where a local list is out of date the council can no longer require the submission of local list information prior to validation and the information has to be sought during the life of the application with the application being refused for lack of information if it is not provided. This is more time consuming for case officers and puts time pressures on decision making which can either result in more refused applications and then additional appeals, or requests for extension of time for determination which can negatively impact upon performance if these are not agreed.

This is the current situation the department are working within and the adoption of the revised validation guides will enable the local list requirements to be sought prior to validation making the application process smoother and quicker and reducing the risk of poor determination performance.

2.4 Environmental/Climate Change Impact

The policy on carbon reduction plans is a local list requirement and therefore the adoption of the revised validation guides will ensure that applications which do not meet the validation criteria are not made valid until they submit a carbon reduction plan.

CONCLUSION

- 3.1 Members are requested to resolve to note the review and consultation that has taken place and support the re-publishing of the local lists by recommending to Full Council that they are adopted.

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Validation Guide Consultation Responses – full and unredacted.

Full guide (pages 1 – 9)

Householder guide (pages 10 – 11)

Full Guide

Received 20 consultation responses as shown below (full responses, not summarised) split into the relevant sections of the guide.

General Information

NHS – The NHS has undertaken an initial review of the application guides and note there appears to be no section on access to health services. Before we formally respond is there a possibility of including a section that recommends that potential major planning application developers enquire with the NHS via tsdft.lpae-devon@nhs.net to confirm the NHS capacity for new residents of the proposed development.

This is not a validation requirement. This would fall within pre-application advice and we can certainly consider signposting developers to you at pre-app stage.

Kingsteignton Town Council - Members confirmed they agreed the content of the two draft planning application guides subject to them being carried out and upheld as detailed.

Environment Agency - Just to confirm that we have reviewed the drafts and have no additional comments to make.

Exminster Parish Council - In the paragraph called "What is Validation" amend the penultimate sentence to read as below: "Some of the requirements are National Requirements and some are Local Requirements such as Neighbourhood Development Plans which have been adopted by the Council. For simplicity, no differentiation is made in this document between the two types of requirements."

Noted but not a validation requirement. Neighbourhood Development Plans are part of the development plan under which development is considered rather than a validation requirement and as such are not required to be mentioned in the validation guide.

Dawlish Town Council - We would like to say that we think the document is very good, very useful, a great aide memoire and great to have links for further info and it sets out the procedure well for all applicants and should save time for Planning Committees to have to relook at applications that haven't been completed correctly the first time. We would like to see more site visits included as standard part of the procedure where possible.

Noted but not a validation matter.

Buckfastleigh Town Council - The majority of the parish of Buckfastleigh lies within the National Park. We do not receive a significant number of applications that lie within the Teignbridge planning area however Buckfastleigh Town Council commented that the document process and wording in the guidance is overly complication and not user friendly to new applicants who may be unfamiliar with planning terminology.

Noted and agree that it is complex. There is a simplified version for householders.

Newton Abbot Town Council - Paid-for pre-application advice. In many local planning authorities, such pre-application advice is free for parish & town councils. Would TDC offer this?

Enquiry noted and passed on, this is not a validation matter and will be answered separately.

Development Management – insertion of an additional paragraph for variation applications. These should be accompanied by a written statement setting out what has changed from the original approved application including a list of plans that have been amended and an overall drawing showing the changes.

Noted and added

Application Form and Fees

Kenn Parish Council – No issues with this form and fee

Plans

Dawlish Town Council

It would be helpful and beneficial if it was a requirement in some cases for more details of the surrounding environment and road layouts nearby to the property the application is being made for to get a better understanding of the area.

Noted. Validation guide requires a plan showing the full site, all site boundaries, adjoining properties and, where possible, at least two named roads. This is a requirement under legislation to properly identify the site and online maps can be used to zoom out further if required.

Town/ Parish Councillor – Cllr Martin Heath

Site location plans should be a little larger to catch a wider area to help understand surrounding areas; not just the next one or two road. Suggest - extra 400 to 600 feet further on both sides.

Noted. Validation guide requires a plan showing the full site, all site boundaries, adjoining properties and, where possible, at least two named roads. This is a requirement under legislation to properly identify the site and online maps can be used to zoom out further if required.

Information Required

New Section requested - Designing out Crime Statement

Devon & Cornwall Police – Statutory Consultee

Apologies as I don't know where best suited but if possible, could the requirement for applicant to include a Designing out Crime Statement be added to the Validation Guide? As you know this supports local and national guidance and would be appreciated. Something along the lines of...

Designing out Crime Statement

Where or when this item is required:

- All Major developments
- Educational Buildings
- New neighbourhood community facilities
- Premises where the intended occupants are particularly vulnerable and require higher standards of security to ensure their personal safety, i.e. care homes, drug rehabilitation centres etc.
- ATM/ cash machines

Guidance

The statement should detail how Crime Prevention Through Environmental Design principles are to be incorporated into the development. This includes:

- Access and Movement - places with quality connections and well-defined routes, that provide convenient movement without compromising security
- Structure – encouraging ‘active frontages’ and limiting access to private space
- Surveillance – encouraging overlooking of public spaces by those who will take action should a crime be committed
- Ownership – clearly defining where public space ends and private space begins and encouraging people to take ownership of their environment
- Physical Protection – ensuring buildings include appropriate physical measures to prevent crime
- Activity – ensuring the level of human activity is appropriate to the location to reduce the risk of crime and increase perceptions of public safety
- Management and Maintenance – discouraging disorder by creating places that are well looked after with minimum cost implications.

Noted – This is considered a beneficial amendment and will be included in the new validation guide

General comments on sections 3.7, 3.8, 3.9, and 3.23,

Devon Wildlife Trust – statutory consultee

Use of the phrase ‘undertaken by suitably qualified and licensed ecological consultants’ is frequent within the document and we welcome the sentiment which this seeks to achieve. However, we see deleterious effects on the natural environment caused by those who practise as ecological consultants and inaccurately deem themselves to be ‘suitably qualified’. We strongly urge the LPA to include the phrase ‘undertaken by members of CIEEM’. CIEEM are the recognised professional body for ecologists and have a rigorous membership applications process. Ecological work produced by members is more likely to be produced to an acceptable standard. Furthermore, members are expected to uphold the CIEEM Code of Conduct and breaches are dealt with by the organisation. Use of the phrase ‘All reports must be up to date (less than 2 and a half years old at time of submission)’ is frequent within the document and we welcome the sentiment which this seeks to achieve. However, the statement is ambiguous and should be reworked. Surveys are usually undertaken within the summer months, but reports are often not produced until the winter or spring following survey effort. For example, bat emergence surveys could be undertaken in May/June 2024, but a report not produced until January 2025. This is not in the spirit of the statement above, but would technically conform. We recommend the statement is reworked to read ‘All surveys must be up to date (less than 2 and a half years old at time of submission)’.

Noted request to replace phrase ‘undertaken by suitably qualified and licensed ecological consultants’ with ‘undertaken by members of CIEEM’. Having fully considered this request we consider that this would unreasonably prevent local experienced bat consultants, who are not members of the CIEEM, from undertaking reports/surveys and no change will be made to the text at this time.

*Agree with request to amend wording from ‘All **reports** must be up to date (less than 2 and a half years old at time of submission) to ‘All **surveys** must be up to date (less than 2 and a half years old at time of submission)’.*

3.1 Affordable Housing Statement

TDC Housing – internal consultee

I had a very quick read of the AH section. I think we asked before but it would be helpful to have property sizes in a schedule stating sqm. This is because they sometimes comes as feet which is a pain to convert

Agreed and requirement added.

3.7 Biodiversity - South Hams SAC Zones

Devon Wildlife Trust – statutory consultee

‘the type and extent of the impact(s) from the development, including habitat loss, flight path severance and increased lighting levels’. Assessment of the scale of the impact of a proposed development is often encumbered by a lack of detail within ecological reports.

Reference to the size of habitat loss should be included within this bullet point to ensure that a sufficient level of detail is provided to allow accurate assessment. This could be achieved by adding ‘(m²) after ‘habitat loss’. Figures in m² should also be required for habitat creation. There are errors within the following section:

‘Sites located within the South Hams Special Area of Conservation or one of the associated Greater Horseshoe Bats Sustenance Zones or large sites within the Landscape Connectivity Zone (which can be viewed on Ecology layers of the Devon County Council map viewer South Hams SAC map) may require comprehensive bat surveys, undertaken over an extended period prior to submission of the application. These surveys should comply with

the latest Bat Conservation Trust’s survey guidance. Site’s location within the South Hams SAC Landscape Connectivity Zone may also require bat surveys’.

Reference to where the location of the sites can be viewed is mentioned twice within this section (not copied above); this should be reworked to a single reference.

The link provided for ‘Bat Surveys for Professional Ecologists’ links to the National Bat Monitoring Programme. This should be replaced with a link to the BCT Survey Guidelines (2023).

Agreed and amendments made.

3.8 Biodiversity - Bats and Birds in Buildings

Devon Wildlife Trust – statutory consultee

Surveys must be carried out to current BCT Guidelines and this must be referenced within this section.

Agreed and requirement added.

‘Works to buildings or structures known or suspected to support bats’. This is misleading and should be removed. The majority of bat roosts are identified within buildings which are not known or suspected to support bats. The bullet point should read ‘Works to buildings or structures’.

‘Illumination of and/or additional light spill onto a known or suspected bat roost or roost entrance’. As above, this is misleading and should be reworked to read ‘Illumination of and/or additional light spill onto a building or structure within potential to support a bat roost or roost entrance’.

‘Illumination of/light spill onto/removal of a hedge, tree line or woodland edge known or suspected to be used by bats when accessing their roosts’. As above, this is misleading and should be reworked to

read 'illumination of/light spill onto/removal of a hedge, tree line or woodland edge with potential to support roosting/commuting/foraging bats'.

Wording suggested would require applicants, without the requisite knowledge, to decide on potential and our original wording of '...known or suspected to support bats' was therefore used instead. After due consideration DWT concerns are noted but no changes made at present.

'Works are to a flat roof'. We do not support this statement. Works to a flat roof frequently involve works to soffits/fascias which provide roosting opportunities for bats. All buildings and proposed works must be assessed on an individual basis. We recommend this bullet point is removed.

Noted but consider that roosting in the soffits/fascias is infrequent and it would greatly increase requirement for bat surveys. Taking a balanced approach we intend to keep this exception.

'A licenced bat consultant will be needed to undertake the survey(s) and produce the report unless they consider that a full report is not required (e.g., no evidence of bats) when you may obtain a letter from them stating why a full report is not required and submit this with your application instead.' We do not support this statement as it could be misinterpreted; for example, an initial inspection for roosting bats could identify high potential for a building, with three emergence surveys undertaken. If no evidence of bats was identified during these surveys, a letter could be produced. This would not be sufficient to demonstrate absence of bats. Full details of survey effort and results would be required within a full report. The inclusion of the option to produce a letter allows ecologists of lower ecological principles to carry out and submit sub-standard assessments. We recommend that this paragraph is removed.

Noted but we intend to retain this option.

If the paragraph is retained, it will require additional information. 'No evidence of bats' should be replaced with 'the building is of negligible roost suitability and no evidence of or potential for bats is found'. Furthermore, the letter provided must include robust justification and photographic evidence to support the conclusion.

Agreed. The paragraph is to be retained and amended as requested

3.9 Biodiversity - Ecological Reports

Devon Wildlife Trust – statutory consultee

As above, assessment of the scale of the impact of a proposed development is often encumbered by a lack of detail within ecological reports. Statements such as 'limited loss of grassland' or 'small areas of grassland habitat loss' are ambiguous, but frequently used. The addition of a requirement to provide figures in m² for habitat loss and gain would allow robust assessment of the impact of a scheme.

Noted and amended as requested

'If your professional ecological consultant considers that a report is not required, you may submit a letter from them justifying why this is the case'. As above, this statement encourages poor ecological practise and we recommend that it is removed.

Noted but we intend to retain this option. However, the paragraph has been amended as requested under 3.8 above

3.10 Biodiversity Net Gain

Development Management - internal requirement

Inclusion of two further bullet points to ensure that completed metric has sufficient detail:

- The completed metric, required by point iii above, shall also include detail of how the 10% net gain will be achieved through on-site creation and enhancement and/or off-site creation and enhancement.
- If the submitted metric includes any “red boxes”/errors then an explanatory statement setting out the reasons why or how the shortfall will be satisfied shall be submitted

Inclusion of requirement for applicants to complete a checklist (provided by DCC working on behalf of all Devon Local Planning Authorities) [Devon BNG Statement for Validation July 24.docx \(sharepoint.com\)](https://sharepoint.com)

Noted and added.

3.11 Carbon Reduction Plan

TDC Climate Change Officer – Internal Consultee

Following the introduction of building regulations Part L 2021, the guidance in relation to the carbon calculator under Section 3.11 is out of date and will need removing from the document including the link to the “Carbon Offsetting Calculator”. Although the need to submit a carbon calculator no longer applies, we still request a representative sample number of SAP calculations to validate commitments contained within carbon reduction plans; this will need referencing in the validation document.

There is a need to consider climate adaptation in new developments, as required under local plan policies S6a and S6b; to this effect, there is good representation for the impacts of flooding in the planning consultation and decision making, but the consideration for the risk of extreme heat is underrepresented. CIBSE TM52/59 overheating risk assessments should be expected as standard as part of the validation process for full plans and outline applications.

Through the planning validation process, there remains a need to direct applicants to established best practice guidance on carbon reduction and energy efficiency. This should be a priority prior to adopting the emerging 2020 2040 local plan. The guidance should set out approaches to passive design and benchmarks for energy efficiency, embodied carbon, the specification of low carbon heating, and high efficiency ventilation.

Further to the consideration of Policy S7, the validation document should draw attention to the remaining sustainability policies contained within the adopted local plan, which should be reflected within carbon reduction plans. These include policies S6c, S6d, and S6e in relation to resilience, and S9 a to g in relation to sustainable transport. The validation guidance should also draw attention to allocation-specific policies. Applicants should also be reminded of their responsibilities for electric vehicle charging requirements under Building Regulations Part S.

As a general comment, there is a need to make the document accessible, and to improve document formatting to make the document easier to read and navigate.

Noted and carbon reduction calculator link removed and requirement for SAP calculations added.

Remaining points are matters for consideration by the case officer during the life of the application and are not validation requirements therefore no further changes made.

3.15 Environmental Impact Assessment

Town/Parish Councillor – Cllr Martin Heath

On larger developments where green corridors for wildlife to run to are needed, at this time we don't ask for extra widths for wildlife with no people on. A true wildlife corridor should not have humans using it for walk throughs, but an extra standalone corridor should exist for wildlife connections to the next field. Having humans on the same corridor makes it not a wildlife corridor by description and practice. According to environmental guidelines, a green corridor is for wildlife only; not mixed traffic. The bigger the estate to be built, the wider the corridor should be. But the smallest should be no less than 6 mt with mixed trees and bushes. See guidelines on how to make a real green corridor. Therefore, a development of 100 homes may need 8 mts, but for 400 homes it may need 32 mts width corridors as a minimum. New statements need to come with plans as to the kind of green corridor developers intend to build.

Noted – however the Environmental Impact Assessment outlines what must be provided under legislation within an Environmental Statement. The above comment seems to relate more to Green Infrastructure and the validation requirement is for the submission of Green Infrastructure Statements, Context Plans and Masterplans. The content of these documents is part of the assessment of the application once valid.

3.16 Fire Statement

Town/Parish Councillor – Cllr Martin Heath

Fire breaks should be built in if new estates are built near wooded areas. And at least twice the distance of a forest tree. Therefore, a tree on the boundary at 30 mts should have a gap at least of 60 mts before a boundary fence of a home.

Noted but not a validation requirement.

3.17 Flood Risk / Surface Water Management

TDC Environmental Health – internal consultee

For development within that meets the threshold for a FRA , the FRA must include a map showing access and egress with projected depths along the full course of these routes.

Agreed and requirement added.

3.20 Heritage Statement

DCC Historic Environment Team

Thanks for the consultation on Teignbridge's validation guidelines. The Historic Environment Team is happy with the wording and has no comments on the proposed wording with regard to section 3.20 of the guidelines re Heritage Statements other than to suggest that the first section could be amended to allow to accordance with the paragraph below it. The first part refers to "archaeological remains" while the second paragraph refers to "heritage assets".

Proposed re-wording of the first part of section 3.20

Required for:

Proposals that

- Affect a Listed Building
- Located in or adjacent to a Conservation Area
- Affect a Scheduled Ancient Monument
- Affect the district's heritage assets - including sites likely to contain archaeological remains a site likely to have archaeological remains
- Affect Registered Parks & Gardens

Guidance, Policy background and further information sources:

A Heritage Statement, including a Description or Statement of Significance is required for all development affecting heritage assets. A heritage asset is defined as 'a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).' It should give a description of the heritage asset affected and the contribution of the setting to that significance.

Agreed and wording amended.

3.20 Heritage Statement

Historic Buildings and Places – Statutory Consultee

It would be helpful for this section to clarify that a listing includes the entire building, both inside and out, as well as curtilage structures, even if they are not mentioned in the statutory list description.

The document should also confirmation that submission of the statutory list description is not a heritage statement.

It should also recommend that a Heritage statement include photos, phasing plans, etc to help understand the impact of the changes proposed.

Agreed and wording amended to include additional information

3.21 Land Contamination Assessment

TDC Environmental Health – internal consultee

Please can you include a link to the relevant guidance.

Contacted EH to obtain link and added.

3.22 Lighting assessment

TDC Environmental Health – internal consultee

Please can you include a link to the Institute of Lighting Engineers guidance on reducing obtrusive lighting. <https://theilp.org.uk/publication/guidance-note-1-for-the-reduction-of-obtrusive-light-2021/>

Agreed and link added

3.23 Lighting assessment

Devon Wildlife Trust – statutory consultee

The term 'Local Wildlife Sites' is ambiguous and does not cover all cases where sites may be at risk from lighting. This should be replaced with 'sites designated for nature conservation'.

Noted. We do not agree with wording of 'sites designated for nature conservation' but have extended our description to 'local wildlife sites and sites of biodiversity value'

The following statement should be added: 'Where proposals are likely to affect biodiversity, the lighting scheme should follow the recommendations provided in the Devon dark corridors guidance note produced by DCC'.

Noted. However, this is not adopted policy and therefore has not been included.

3.29 Section 106 Agreements

Newton Abbot Town Council

S106 - Applicants/agents should clarify the Council's requirements in pre-application discussions and submit a Statement of Proposed Heads of Terms for a Section 106 Agreement. Why is it not possible to liaise with parish & town councils on the contents of S. 106 Agreements, BEFORE they are signed? The local councils can often provide invaluable local knowledge of the impacts of new development and what should be included in the S. 106 and/or the implications of what is planned to be included. This would save a great deal of time & cost in the long run.

Noted – Heads of Terms are not normally agreed until application is under consideration unless pre-application advice has been sought and pre-application advice is optional. After discussion we therefore consider that they are not justified to be a validation requirement and this section has been removed.

3.35 Transport/Travel

Active Travel – statutory consultee

Active Travel England (ATE) has produced a Planning Application Assessment Toolkit that helps users to assemble evidence and assess the active travel merits – walking, wheeling, and cycling – of a development proposal.

ATE would therefore encourage LPAs to include the submission of a completed toolkit as a requirement in their local validation checklists where a Transport Assessment is required and/or where ATE would be a statutory consultee. ATE would be happy to discuss this further upon request to do so.

Agreed – added requirement for submission of the toolkit.

3.35 Transport/Travel

Network Rail – Statutory Consultee

It is positive to see the requirement for a Transport Assessment to be submitted for Development of land resulting in a material increase or significant change of traffic using existing rail infrastructure (particularly level crossings) or require rail improvements.

It should be noted that this section states "Where a Transport Assessment or Transport Statement is submitted it must include Annual Average Daily Traffic flow (AADT) as well as peaks". Where an application affects/alters the use of a level crossing the developer will be required to submit data regarding pedestrian and/or vehicular trips over the level crossing to ascertain what level of mitigation is required as a result of the development.

Network Rail view this as a requirement that should be included within the document for development impacting on railway infrastructure. Without this information Network Rail will likely object to any application despite the inclusion of a transport assessment if it does not attempt to assess the impact on the level crossing and provide data regarding the number of predicted users. This will likely delay the application further if this information is not submitted within the transport assessment.

Agreed and requirement included

3.39 Waste Audit/Management

DCC Waste – Statutory Consultee

We are supportive of the inclusion of Waste Audit Statements in section 3.39. We would recommend that the requirements of Waste Audit Statements are included in the guide's wording such as:

The following points shall be addressed in the statement:

- Demonstrate the provisions made for the management of any waste generated to be in accordance with the waste hierarchy.
- The amount of construction, demolition and excavation waste in tonnes, set out by the type of material.
- Identify targets for the re-use, recycling and recovery for each waste type from during construction, demolition and excavation, along with the methodology for auditing this waste including a monitoring scheme and corrective measures if failure to meet targets occurs.
- The predicted annual amount of waste, in tonnes, that will be generated once the development is occupied.
- Identify the main types of waste generated when development is occupied.
- The details of the waste disposal methods likely to be used, including the name and location of the waste disposal site.
- Identify measures taken to avoid all waste occurring.

Additionally, 3.39 could include reference to Waste Consultation Zones as per Policy W10 of the Devon Waste Plan. We would suggest wording such as:

Policy W10 of the Devon Waste Plan looks to protect waste management sites from constraint from non-waste development. Therefore, planning applications for non-waste development within a Waste Consultation Zone should demonstrate within their Planning Statement, or other documentation:

- the proposal will not prevent or restrict the operation of the existing or permitted waste management facility; or
- any potential impacts on the operation of the waste management facility, such as noise, dust and odour, can be adequately mitigated by the applicant to ensure a suitable standard of amenity for future users; or
- the proposal is in accordance with a site allocation in an adopted Local Plan.

Please do not hesitate to contact us should you have any queries.

Noted – however, if there is an issue with the content of the statement submitted the case officer will address this during the life of the application and therefore no changes have been made.

Simplified Householder Validation Guide Consultation Responses – full and unredacted.

Received 2 consultation responses as shown below (full responses, not summarised) split into the relevant sections of the guide.

General Information

Exminster Parish Council - In the paragraph called "What is Validation" please amend the penultimate sentence as below: "Some of the requirements are National Requirements and some are Local Requirements such as Neighbourhood Development Plans which have been adopted by the Council. For simplicity, no differentiation is made in this document between the two types of requirements."

Noted but not a validation requirement. Neighbourhood Development Plans are part of the development plan under which development is considered rather than a validation requirement and as such are not required to be mentioned in the validation guide.

Application Form and Fees

No comments received.

Plans

No comments received.

Information Required

3.2 Biodiversity Bats and Birds in buildings

Devon Wildlife Trust – Statutory Consultee

Surveys must be carried out to current BCT Guidelines and this must be referenced within this section.

Agreed and requirement added.

'Works to buildings or structures known or suspected to support bats'.

This is misleading and should be removed. The majority of bat roosts are identified within buildings which are not known or suspected to support bats. The bullet point should read 'Works to buildings or structures'.

'Illumination of and/or additional light spill onto a known or suspected bat roost or roost entrance'.

As above, this is misleading and should be reworked to read 'Illumination of and/or additional light spill onto a building or structure within potential to support a bat roost or roost entrance'.

'Illumination of/light spill onto/removal of a hedge, tree line or woodland edge known or suspected to be used by bats when accessing their roosts'.

As above, this is misleading and should be reworked to read 'Illumination of/light spill onto/removal of a hedge, tree line or woodland edge with potential to support roosting/commuting/foraging bats'.

The above wording does not appear in the householder guide, only in the full guide.

‘Works are to a flat roof’.

We do not support this statement. Works to a flat roof frequently involve works to soffits/fascias which provide roosting opportunities for bats. All buildings and proposed works must be assessed on an individual basis. We recommend this bullet point is removed.

Noted but consider that roosting in the soffits/fascias is infrequent and it would greatly increase requirement for bat surveys. Taking a balanced approach we intend to keep this exception.

‘A licenced bat consultant will be needed to undertake the survey(s) and produce the report unless they consider that a full report is not required (e.g., no evidence of bats) when you may obtain a letter from them stating why a full report is not required and submit this with your application instead.’

We do not support this statement as it could be misinterpreted; for example, an initial inspection for roosting bats could identify high potential for a building, with three emergence surveys undertaken. If no evidence of bats was identified during these surveys, a letter could be produced. This would not be sufficient to demonstrate absence of bats. Full details of survey effort and results would be required within a full report. The inclusion of the option to produce a letter allows ecologists of lower ecological principles to carry out and submit sub-standard assessments. We recommend that this paragraph is removed.

Noted but we intend to retain this option.

If the paragraph is retained, it will require additional information. ‘No evidence of bats’ should be replaced with ‘the building is of negligible roost suitability and no evidence of or potential for bats is found’. Furthermore, the letter provided must include robust justification and photographic evidence to support the conclusion.

Agreed. The paragraph is to be retained and amended as requested

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Planning Validation Guidance
(Excluding Householder applications – see separate guide)

General information	Page 1
1. Application form and fee	Page 2
2. Plans required (depending on type of application)	Page 3
3. Information required (depending on type of application)	Page 5

General Information

This validation guide sets out the information required to validate a planning application and other consents. It includes both national and local validation requirements.

Pre-Application Advice

We offer a paid pre-application advice service www.teignbridge.gov.uk/planningguide.

Submitting an application

Applications should be submitted online via the Planning Portal
www.teignbridge.gov.uk/planningapply

What is a Major application?

The following types of application are classed as 'major'

- Residential applications for 10 or more houses or for Outline Consent on a site of 0.5 hectares or more, or
- Commercial development site of 1 hectare or more or involving floor space of 1000m² or more

Outline/Reserved Matters Applications

Where full information within part 3 has been submitted at outline stage this information is not required again at reserved matters stage.

Variation (Section 73 applications)

These should be accompanied by a written statement setting out what has changed from the original approved application including a list of plans that have been amended and an overall drawing showing the changes.

What is Validation?

Validation is the process of checking that all relevant documentation has been provided. The onus is on the applicant/agent to provide the specific information required to validate your application at the outset. Without this the application will be invalid which will delay the statutory start date. This guide should be read together with the relevant guidance notes for each type of application, available to view on the Planning Portal when you submit your application online. Some of the requirements are National Requirements and some are Local Requirements which have been adopted by the Council. For simplicity, no differentiation is made in this document between the two types of requirements.

What happens if my application is invalid?

We will email you and advise you that you did not submit the correct documentation for a valid application. We will hold the application open for 21 days and ask you to submit the necessary documentation within the 21 day period. If we do not receive the information within this timeframe, we will close our file and take no further action on the application. Your application fee will be returned after deduction of an administration charge. If you wish to continue after

this stage, you will need to start again and resubmit a new application with all the correct documentation/information.

Validation disputes

If you disagree with our reasons for invalidating a planning application and negotiation with us has failed, you may send a notice to us setting out your reasons for refusing to supply the information under Section 12 of the Development Management Procedure Order 2015. You must have submitted all the other information needed to validate the application together with the fee. We will then either agree and validate the application or disagree and issue a Non-Validation Notice against which you may then appeal under Section 78 of the Town and Country Planning Act 1990.

Diversity

Our Diversity Policy promotes inclusion for all sectors of the community and applications/supporting information, along with any representations received from the public, will be checked for any inappropriate comments. Only planning related matters can be considered, and any comments regarding disability, race or ethnicity, religion or belief, sexual orientation or gender reassignment or that are defamatory, prejudiced or otherwise likely to cause offence to the subject of the comments or any other reader will be removed. Any comments that are considered to constitute hate incidents or hate crimes may be passed to the police.

Data Protection

All applications and supporting documentation will be published on the website. Private telephone numbers, private email addresses and signatures will be removed prior to publication. We are committed to ensuring that your privacy is protected by adhering to the EU General Data Protection Regulation (GDPR). Any personal information provided will be used by us solely for the purpose of processing your application and contacting you regarding this. The data will be processed in accordance with our full [privacy policy](#).

1. Application Form – Required for all applications

- 1.1. All applications must be made on the correct form.
- 1.2. Ownership certificate A, B, C or D on the application form must be completed stating the ownership of the application site. This also incorporates the Agricultural Land Declaration.
 - complete Certificate A if you own all of the land (freehold or leasehold of more than 7 years) and do not have agricultural tenants
or
 - complete Certificate B, C or D if you do not own all the land or if you have agricultural tenants on the land. This includes situations where the development overhangs the boundary with the adjoining property/land
 - Certificate B – Complete this if you know who the owners/agricultural tenants are. State the names and addresses of these people on the application form. You also need to serve 21 days' notice on them, before you submit the application
 - Certificate C – This is a combination of the circumstances described in Certificates B and D and should be completed accordingly

- Certificate D – Complete this if you do not know any of the owners. Specify the steps you have taken to find the owners e.g., land registry search. You must advertise the application in a local newspaper at least 21 days before submission

1.3. The application form must be signed and dated and all questions on the form must be answered fully and accurately.

1.4. The correct full fee must be submitted with the application. [Schedule of fees and fee calculator](#)

2. Plans Required

All plans must:

- be to a recognised metric scale (e.g., 1:50 etc) which is marked clearly on the plan.
- include a scale bar so that the scale can be checked for accuracy
- be clearly marked with the direction of North
- have the size of the plan (A3, A2 etc) marked on the plan
- have a unique drawing number shown on the plan
- have an appropriate description/title marked on the plan
- belong to you as copyrighted plans cannot be accepted
- be submitted as a single PDF of one page (not packaged together), correctly orientated for on-screen display
- be of a quality and resolution that will be clear to view by the public when uploaded onto the website

2.1 Site Location Plan - existing (this is the plan that outlines the site in a red line with any other owned land in blue line)

Required for all applications.

- must be up to date
- normally at a scale of 1:1250 (or 1:2500 if appropriate)
- showing the full site, all site boundaries, adjoining properties and, where possible, at least two named roads
- the properties shown should be numbered or named so that the exact location is clear
- the proposed site **must be clearly edged with a red line** to include all land necessary to carry out the proposed development (e.g., land required for access to the site from a public highway, visibility splays, landscaping, car parking and open areas around buildings)
- a blue line should be drawn around any other land owned by the applicant, close to or adjoining the application site

Please note that we cannot accept copies of land registry plans due to copyright issues.

There are many companies that provide site location plans, or the Planning Portal has an [accredited supplier for planning maps](#).

2.2 Block Plan – must provide an existing block plan and a proposed block plan

Required for all applications showing

- at a scale of 1:500, 1:200 or 1:100 depending on the size of the site
- the proposed development
- all site boundaries, existing buildings, roads, tracks, footpaths and access arrangements on the site
- any buildings to be demolished
- all buildings, roads, tracks, footpaths and access arrangements on land adjoining

- the site
- f) all public rights of way crossing or adjoining the site
- g) existing and proposed parking provision
- h) the position of all trees on the site, including those on adjacent land that could influence or be affected by the development; with proposals for removal/retention/new planting indicated
- i) the position of all hedges on the site, including boundary hedges, other vegetation, ponds, watercourses, walls, banks & historic features with proposals for removal/retention indicated
- j) the extent and type of any hard surfacing
- k) boundary treatment including walls or fencing where this is proposed
- l) ground levels across the site and floor levels, existing and proposed including any retaining walls
- m) route line of all existing and proposed services

2.3 Elevation drawings – must provide both existing elevation drawing and proposed elevation drawing.

Required for all applications for new, altered, replacement or extended buildings.

- a) at a scale of 1:50 or 1:100
- b) showing all affected elevations in full
- c) showing proposed building materials, style and finish of the building and windows and doors
- d) showing any other buildings that are attached to the elevation and where possible the main features of that adjoining building (e.g., details of doors, windows on the same elevation of an adjoining terraced or semi-detached dwelling)
- e) label orientation of elevations e.g., north, south etc.
- f) for developments of more than one house, each house type to be on a separate pdf

2.4 Floor Plans – must provide both existing floor plan and proposed floor plan.

Required for all applications for new, altered, replacement or extended buildings.

- a) at a scale of 1:50 or 1:100
- b) explaining the proposal and usage in detail
- c) showing the entire floor area for any existing building as well as the proposed development
- d) showing new buildings in context with adjacent buildings
- e) showing any buildings or walls to be demolished
- g) for developments of more than one house, each house type to be on a separate pdf
- h) for developments of more than one house, provide a schedule of Gross Internal Area for each floor/house for CIL purposes

2.5 Existing and proposed site sections and finished floor and site levels

Required for all proposed new buildings or where there are variations in site levels.

Levels may be evident from floor plans and elevations, but particularly in the case of sloping sites it will be necessary to show how proposals relate to existing ground levels or where ground levels outside the extension would be modified

- a) at a scale of 1:50 or 1:100
- b) showing a cross section(s) through the proposed building(s)
- c) where the proposal involves a change in ground levels, showing both existing and finished levels fixed to a datum point off site and also show the proposals in relation to adjoining buildings

2.6 Roof plans – must provide both existing roof plan and proposed roof plan.

Required where there are new roofs or alterations to existing roofs

- a) at a scale of 1:50 or 1:100
- b) showing the shape of the roof and roofing materials

2.7 Street Scene Plans

Required where the proposal will significantly affect a road frontage, or where there are concerns regarding the height and appearance of new buildings.

- a) at a scale of 1:100 or 1:200
- b) illustrating the proposed development alongside neighbouring properties for a sufficient length of the street to judge the impact of the development

2.8 Specialist Plans

May be required to show specific details in a larger scale.

- a) at a scale of 1:5, 1:10 or 1:20
- b) where certain issues such as the detail of window joinery is required e.g., for Listed Buildings

2.9 Phasing Plans

Where there is a requirement for the planning permission, if granted, to expressly provide that the development be carried out in phases. Normally required for self-build applications of more than one dwelling. Plan must clearly identify the separate phases.

2.10 Photos of site and immediate environment

Required – up to date photographs showing the site and the immediate vicinity to assist in the understanding of the site and development when processing the application.

2.11 Advertisement Consent plans

Required for Advertisement Consent applications.

- a) at a scale of 1:20 or 1:50
- b) showing the size of the advertisement
- c) showing position on land or building in question, the height above ground level and the projection from any building
- d) showing the materials and colours to be used
- e) detailing of the method and colour of any illumination

2.12 Non-Material Amendment applications and Minor Material Applications (Variation of condition Section 73 applications)

These types of applications must include a plan/set of plans that are annotated to clearly identify the changes proposed to the original approved drawings.

2.13 Title Register and Title Plan

Required for all major applications.

3 Additional Information Required

3.1 Affordable Housing Statement

Required for:

- Major residential development
- Rural Exception site proposals
- Applications for 5 or more dwellings in a rural area

Guidance, Policy background and further information sources

An Affordable Housing Statement should set out how the scheme will comply with the Affordable Housing policy in the adopted Teignbridge Local Plan 2013 – 2033. Additional information on emerging policy in relation to Affordable Housing and Design and Layout is provided in the policies of the Teignbridge Local Plan 2020-2040 Update Part 1 – whilst this is

emerging guidance, if met it will ensure greater likelihood of support for proposals. Any departure from the adopted and emerging affordable housing guidance should be explained in the statement and cross-referenced to viability report if necessary. All measurements within the statement and plans must be in metric.

The Affordable Housing Statement may be included as a section in the Planning Statement but should in any event address the following:

Outline and Full applications (not Reserved Matters)

A statement of compliance setting out the proposals Affordable Housing Provision

Residential Allocations

Each application for development which is in an area of housing allocation must meet the affordable housing requirement set out in the allocation. If the application is part of a phased scheme the planning statement should clarify how the affordable housing contribution of each phase contributes to the overall agreed delivery of affordable housing. Applications for < 10 dwellings in an allocation area are not exempt from affordable housing (cf NPPF63) as the application forms part of a major development.

Development within Major Towns and settlements

The Teignbridge Local Plan 2013-2033 sets three tiers of affordable housing levels for the (1) Newton Abbot and Kingsteignton, (2) Dawlish and Teignmouth and (3) other areas. Development within the settlement limits of the Major Towns should meet those requirements.

A Draft Heads of Terms in relation to affordable housing should be submitted using the Teignbridge standard s106 template sets for the required form of obligation for affordable housing.

Housing Need

The affordable housing targets set out in the Council's planning policy are based on viability testing; the true scope of affordable housing need is much greater. The Housing Enabling service can provide up to date information on the Devon Home Choice identified need of home size and tenure splits for settlements in Teignbridge. The Teignbridge Housing Service can provide further information on the affordable housing need in an area including housing size and tenure requirements. The Council's preference will be for a 70/30 tenure split in favour of rented housing as this is where the level of demand is highest.

Full or Reserved Matters Applications

The Affordable Housing Statement should include / reference:

- **Accommodation Schedule** listing for all affordable homes the plot/unit number, the size specification (occupancy and GIA) having reference to the size requirements below.
- **Layout Plan** showing all affordable housing plots and details such as allocated parking spaces, sheds, etc. Consideration should be given outlining areas where inset maintenance agreements will be expected from Affordable Housing providers.
- **Floor Plans** – see following reference to dwelling size.
- **Flatted Development** - floor plans should highlight any common facilities and services (such as shared laundry areas)/

Fixtures and Fittings

- Some AHPs have standard packages of white goods which have implications for layouts of kitchens/utilities. Early engagement with AHPs and selection of delivery partner will enable identification of any potential issues.

Affordable Dwelling Size

- The draft revised Teignbridge Local Plan 2020-2040 expects all homes proposed to meet nationally escribed space standards (NDSS) with regard to gross internal floor areas and storage. This is emerging guidance but sets an expectation for homes in the district.
- Homes England has an expectation is that affordable homes should meet the NDSS, and many affordable housing providers have their own space standards which are increasingly geared toward NDSS. To ensure best value sale transfer agreement for affordable dwellings we recommend the NDSS is the basis for minimum accepted standard. Within TDC there are many examples of major market led developments achieving this space standard. Where this cannot be met for exceptional reasons, there can be some flexibility but in no case can a dwelling < 85% of NDSS be accepted as an affordable home.
- Where standard house types are being used, consider that AH tenants and landlords generally prefer additional floorspace/storage space to unnecessary ensuite facilities.
- Floorplans should **include reference furniture in the bedrooms** so that the effective occupancy (number of bed spaces/persons) can be judged; where reference furniture (beds, wardrobes, desks/tables) works effectively a slight reduction on NDSS may be considered by some AHPs.
- [Technical housing standards- nationally described space standard - GOV.UK \(www.gov.uk\)](#)

3.2 Agricultural Appraisal

Required for:

- New agricultural dwelling
- Other building in countryside for farming purposes

Guidance, Policy background and further information sources:

Three years of accounts must be provided along with your justification for requiring an agricultural dwelling/building. This may best take the form of a professional Agricultural Appraisal.

This will be considered as part of the application process and where appropriate we will appoint an independent assessor to review the evidence regarding the need and viability. The results of the review will be displayed on the website. The applicant will be required to provide payment for the cost of this review in advance.

Agricultural development of:

- an agricultural building to house livestock (primarily beef and dairy cattle, pigs or poultry); and/or
- any new or expanded pit, tank or lagoon for storing slurry
- any anaerobic digester; and/or
- any combustion plant within 10km of SSSIs and Habitats sites should be accompanied by a [Simple Calculation of Atmospheric Impact Limits \(SCAIL\) assessment](#).

Teignbridge contacts:

Email planning@teignbridge.gov.uk

3.3 Air Quality Assessment

Required for:

Proposals which:

- Increase congestion (an increase in periods with stop start driving)
- Significant change in traffic volumes e.g., a change in the Annual Average Daily Traffic
- Alter traffic composition e.g., increase in HGVs
- Are in an AQMA
- Include new car parking 100 spaces outside AQMA or 50 spaces in AQMA
- Involve significant dust emissions
- May impact on nearby residents (e.g., construction)

Guidance, Policy background and further information sources

Application proposals that impact upon air quality or are potential pollutants must be supported by an air quality assessment indicating the change in air quality resulting from the proposed development and outlining appropriate mitigation measures as necessary. An Air Quality Assessment should be prepared by a suitably qualified expert.

Applications for dwellings or other vulnerable uses such as Residential Homes or Nurseries which fall within an Air Quality Management Area (AQMA) will require also require an Air Quality Assessment.

There are AQMAs within Newton Abbot, Kingsteignton and Teignmouth.

Development may result in the need for a Section 106 contribution as shown in the criteria set out in Appendix 4 of [Teignbridge District Council Air Quality Action Plan](#)

Further information:

[air-quality-planning-guidance.pdf \(iaqm.co.uk\)](#)

[Air Pollution Information System](#) - Provides advice on habitats, ecosystems and species.

[DEFRA Magic map](#) – Impact Risk Zones for Sites of Special Scientific Interest

Teignbridge contacts:

Website - [Air quality page](#)

Email - Environmental Health - envc@teignbridge.gov.uk

3.4 Arboricultural Survey and Tree Protection Plan

Required where:

the answer to the Trees and/or Hedges questions on the application form is 'Yes'.

Guidance, Policy background and further information sources:

An arboriculturalist should undertake a survey and appraisal of trees on the application site and adjoining land and produce the following information, consistent with the standards set out in British Standard 5837:2012.

- Trees to be felled and trees to be retained should be clearly marked on a plan. An accompanying schedule should provide full information on the amenity value of each tree together with details of species, size, age and condition.
- A tree constraints plan should show root protection areas and the canopy spread of the tree(s) on the application site and adjoining land.
- As well as the trees, the survey must indicate key landscape features such as ponds, hedges and wildlife corridors that may be affected by the proposed development. Trees to be felled and trees to be retained should be clearly marked. For larger applications it will also be

appropriate to provide details of the landscape strategy for the site, including indications of new planting.

- An arboricultural method statement should be provided detailing the measures to be taken to protect the trees shown to be retained on the submitted drawings, accompanied by schedules of any necessary tree work and proposals for long-term maintenance.

If you are granted full planning permission, you will not need separate consent for tree works which are required to implement the planning permission.

However, works to protected trees or trees within a conservation area which are not required to implement the planning permission, will require separate consent.

Further Information

[Teignbridge District Council Trees and Development Supplementary Planning Document](#).

[British Standard 5837:2012 Trees in relation to design, demolition and construction](#)

[Natural England standing advice on Ancient Woodland](#)

Teignbridge contacts:

Website – [Trees page](#)

Email designandheritage@teignbridge.gov.uk

3.5 Bin Storage

Required for:

All Applications for new residential development

Guidance, Policy background and further information sources:

Teignbridge District Council operates a recycling system of one wheeled bin for residual waste, two recycling boxes, a food waste caddy and a reusable sack for paper for a standard residential dwelling. The size and number of bins changes for flats, dependent upon the number of units.

Any new residential unit must have provision for off-street bin storage (shown on submitted plans).

Bin/box sizes (approximate)

Food Waste Caddy	- Capacity 23 litres, Width 260mm, Depth 320mm, Height 380mm
Recycling Boxes (x 2)	- Capacity 55 litres, Width 450mm, Depth 600mm, Height 370mm
Black Bin (residual waste)	- Capacity 180 litres, Width 470mm, Depth 770mm, Height 1110mm
Green Bin (garden waste)	- Capacity 240 litres, Width 585mm, Depth 740mm, Height 1110mm

Collections are made from the adopted highway and where there are private roads/access then a bin collection point for bins to be collected from on collection day must be provided no further than 10 metres from the adopted highway and clearly marked on the block plan.

For new roads/estates a swept path analysis must be provided so that we can ensure that the waste and recycling vehicles (which are a maximum of 2.3m wide by 9.2m long by 3.5m high) can safely travel and manoeuvre around the estate.

The Green Waste collection service is a voluntary paid for service but space for a bin needs to be allocated where there are gardens.

Not required for outline applications where layout is a reserved matter.

Commercial waste is not collected directly by the Council however you should contact environmental health at ehealth@teignbridge.gov.uk for advice on bin requirements for hot food takeaways, restaurants etc.

Teignbridge contacts:

Email ts@teignbridge.gov.uk for advice on calculating number/size of bins for flats etc.

3.6 Biodiversity - Appropriate Assessments – within 10km of Exe Estuary SPA/Dawlish Warren SAC

Required for:

Dawlish Warren SAC or Exe Estuary SPA: -

- all development within, or adjacent to, the SAC or SPA
- all new dwellings and new tourist accommodation within 10km of SAC or SPA as shown on [10k Buffer Zone](#)
- developments that generate noise, light, increased recreational use or disturbance in or close to the SAC or SPA
- developments that generate surface water or other discharges that will flow into the Exe Estuary or Exminster Marshes
- development of land outside the SPA or SAC, but that provides supporting habitat for the species that form the special interest of the SPA or SAC (functionally linked land)

Guidance, Policy background and further information sources:

Where a development may affect the Dawlish Warren Special Area of Conservation (SAC) or the Exe Estuary Special Protection Area (SPA) either directly or indirectly, alone or in-combination with other developments, the Council must undertake an Appropriate Assessment of the impacts under the [Conservation of Habitats and Species Regulations 2017](#)

The applicant/agent must submit evidence including:

- the type and extent of the impact(s), including up-to-date survey where appropriate.
- mitigation measures proposed and how they will be delivered and maintained.
- how the mitigation will fully offset the impacts on the SPA/SAC.
- on-going monitoring to prove the effectiveness of the mitigation, where appropriate.

It may be necessary to undertake wildlife or site-user surveys over an extended period prior to submission of any application. All wildlife surveys must be up to date and undertaken by suitably qualified and licensed ecological consultants. See our [Biodiversity and Development web page](#) for more information and contacts.

Information on lighting, noise, sewage/surface water discharge and any other potentially harmful matters may also be required. Your ecological consultant and subject-specific professionals should be involved in assessing possible impacts and proposing appropriate mitigation measures.

To mitigate impacts of surface water discharge a suitable Sustainable Urban Drainage scheme (SUDS) may be appropriate.

Residential/Tourist Units

All new dwellings and new tourist accommodation proposed within 10km of the Exe Estuary SPA/Dawlish Warren SAC must provide adequate mitigation for recreational impacts on the SPA/SAC.

To help mitigate recreational impacts, applicants must pay a Habitats Mitigation Contribution for each new house or holiday unit. This money will then be used to deliver mitigation for recreation impacts on the European sites.

Applicants/agents may either make a payment in advance under a section 111 agreement (which can be refunded if application refused, subject to terms and conditions) or sign a Unilateral Undertaking (and pay legal fee) agreeing to pay the relevant sum prior to commencement of works.

Contribution amounts (as at 1 April 2024 - index linked annually) are as follows:

Dwellings within 10km of the Exe Estuary SPA AND Dawlish Warren SAC

Dwellings = £1157 per dwelling

Tourist accommodation - serviced = 56% of above amount per room

Tourist accommodation - self-catering =52% of above amount per unit

Tourist accommodation - touring pitches = 32% of above amount per pitch

Dwellings within 10km of the Exe Estuary SPA alone

Dwellings = £324 per dwelling

Tourist accommodation - serviced = 56% of above amount per room

Tourist accommodation - self-catering =52% of above amount per unit

Tourist accommodation - touring pitches = 32% of above amount per pitch

In a few cases the standard mitigation may be insufficient. The Council will discuss bespoke mitigation with applicants where necessary.

Additionally, larger housing/tourist developments may need to provide a Suitable Alternative Greenspace to help attract additional recreation use away from the Exe/Warren. The council will be able to advise about SANG provision.

Other Development

A financial contribution may also be appropriate where a use may generate additional recreational pressure on the European-designated sites, for example, new tourism facilities. Mitigation will also be required for all other likely harmful impacts on the special interests of the designated sites or their functionally linked land.

Devon County Council (DCC) checklist

Please note that DCC have a checklist on their website re whether or not a wildlife report should be submitted with a planning application, but it does not cover our criteria and so a negative outcome on this checklist cannot be accepted as a reason not to submit a survey where this validation guide requires one.

Further information

[DEFRA Magic Map](#)

Teignbridge Contacts:

Website - [Biodiversity and Development web page](#)

Email - designandheritage@teignbridge.gov.uk

3.7 Biodiversity – Appropriate Assessments – Within South Hams SAC Zones

Required for:

Within a South Hams SAC Sustenance Zone or Landscape Connectivity Zone applications involving: -

- New build or change of use on, or adjacent to, greenfield sites, vegetated brownfield sites, woodland, hedges, rivers or streams.
- Loss of or changes to farmland, woodland or scrub
- Removal of hedges/trees
- Wind turbines
- Floodlighting
- Other external lighting

Guidance, Policy background and further information sources:

Where a development may affect the South Hams Special Area of Conservation (SAC) or the greater horseshoe bats that constitute the SAC's 'special interest', either directly or indirectly, alone or in-combination with other developments, the Council must undertake an Appropriate Assessment of the impacts under the [Conservation of Habitats and Species Regulations 2017](#)

The applicant/agent must submit evidence including:

- The use made of the area by greater horseshoe bats, with up-to-date survey evidence.
- the type and extent of the impact(s) from the development, including habitat loss (m^2), flight path severance and increased lighting levels.
- mitigation measures proposed and how they will be delivered and maintained.
- how the mitigation will fully address the impacts on the SAC and greater horseshoe bats.
- on-going monitoring of the effectiveness of the mitigation.

Sites located within the South Hams Special Area of Conservation or one of the associated Greater Horseshoe Bats Sustenance Zones or the Landscape Connectivity Zone (which can be viewed on Ecology layers of the Devon County Council map viewer [South Hams SAC map](#)) may require comprehensive bat surveys, undertaken over an extended period prior to submission of the application. These surveys should comply with the latest Bat Conservation Trust's survey guidance.

The [South Hams SAC Planning Guidance](#) gives more detail on likely impacts on SAC bats, size and type of developments that might impact on them and possible mitigation measures. The guidance explains the difference between the Sustenance Zones and the Landscape Connectivity Zone.

All surveys must be up to date (less than 2 ½ years old at time of submission) and undertaken by suitably qualified and licensed ecological consultants (with licence number quoted in the report). See [Biodiversity and Development web page](#) for more information and contacts. Information on existing and proposed lighting levels, must also be provided in consultation with lighting and ecological consultants. In some cases, noise studies may also be required, again informed by consultants. Mitigation measures must be devised in consultation with ecological and subject-specific consultants.

Where a proposed development would be within or close to the South Hams Special Area of Conservation (SAC) it may affect the woodland habitat, which is part of the SAC's special interest, either directly or indirectly, alone or in-combination with other developments and the Council must undertake an Appropriate Assessment of the impacts on this habitat. The applicant/agent must submit evidence including:

- current habitat and species of the existing woodland habitat which will or may be affected by the proposal, whether within, close to or functionally linked to the SAC woodland habitat, with up-to-date survey evidence.
- the type and extent of the impact(s) from the development, including loss of or changes to habitat within the SAC and loss of or changes to nearby woodland or other functionally linked woodland habitat outside the SAC boundaries; and indirect impacts including increased lighting levels, changes to hydrology, pollution, increased recreational use, etc.
- mitigation measures proposed and how they will be delivered and maintained.
- how the mitigation will fully address the impacts on the SAC and its woodland habitat.
- on-going monitoring of the effectiveness of the mitigation.

Devon County Council (DCC) checklist

Please note that DCC have a checklist on their website re whether or not a wildlife report should be submitted with a planning application, but it does not cover our criteria and so a negative outcome on this checklist cannot be accepted as a reason not to submit a survey where this validation guide requires one.

Further Information:

[Bat Conservation Trust Survey Guidelines](#)

Teignbridge Contacts:

Website – [South Hams Special Area of Conservation web page](#)

Email - designandheritage@teignbridge.gov.uk

3.8 Biodiversity – Bats and Birds Survey Reports

Required for:

Applications, including Listed Building Consent, involving:

- Works to buildings or structures known or suspected to support bats.
- Barn Conversions
- Demolition of buildings or parts of buildings
- Redevelopment of existing buildings that involves works to roofs, roof spaces, external timber cladding, hanging tiles or cellars.
- Works to underground structures other than drains/sewers
- Wind turbines or solar panels
- Floodlighting
- Illumination of and/or additional light spill onto a known or suspected bat roost or roost entrance
- Illumination of/light spill onto/removal of a hedge, tree line or woodland edge known or suspected to be used by bats when accessing their roosts.
- Illumination of and/or additional light spill onto a church, listed building or building with multiple pitched roofs
- Felling of, or works to, trees with holes, cavities, cracks or other bat roost potential.

unless:

- The house was built less than 15 years ago without specific bat provision incorporated.
- Works are to a flat roof.
- Works are to a greenhouse, glasshouse or glass/perspex/transparent polycarbonate-roofed conservatory.
- Works are to an out-building with single-skin roof and single-skin walls made of wood, metal, brick, concrete block or plastic”

Guidance, Policy background and further information sources:

All surveys must be up to date (less than 2 ½ years old at time of submission) and produced by a licensed bat consultant (with licence number quoted in the report). See [Bat and Bird Surveys web page](#) for more information and contacts.

A licenced bat consultant will be needed to undertake the survey(s) and produce the report unless they consider that a full report is not required (e.g. the building is of negligible roost suitability and no evidence of or potential for bats is found). In these cases a letter from the licenced bat consultant stating why a full report is not required, and including robust justification and photographic evidence to support the conclusion, may be submitted instead.

If your bat consultant considers that Emergence Surveys or other additional surveys are needed, these must be undertaken, and the results submitted with the application.

Bat and Bird Survey Reports must be carried out to current [Bat Conservation Trust Survey Guidelines](#) and include date of survey, methodology used, evidence found, assessment of impacts on protected species, mitigation/compensation for impacts, details on how these will be delivered and a scheme for monitoring effectiveness of mitigation/compensation. The necessary surveys may need to be undertaken over an extended period prior to submission of any application.

Where surveys can only be done at certain times of the year you must make sure that the report has been commissioned and received and submitted with your application. We will not hold on to invalid applications awaiting reports.

Sites within or affecting the South Hams Special Area of Conservation (see point 3.7 of this guide) may require comprehensive bat surveys, undertaken over an extended period.

Please note that DCC have a checklist on their website re whether or not a wildlife report should be submitted with a planning application, but it does not cover our criteria and so a negative outcome on this checklist cannot be accepted as a reason not to submit a survey where this validation guide requires one.

Further Information:

[Natural England Standing Advice for Bats](#)

Teignbridge Contacts:

Website - [Bat and Bird Surveys web page](#)

Email - designandheritage@teignbridge.gov.uk

3.9 Biodiversity - Ecological Reports

Required for:

Applications involving: -

- New builds or change of use on greenfield or vegetated brownfield sites.
- Developments adjacent to greenfield or vegetated brownfield sites
- Works to, or adjacent to, rivers and streams
- Loss of intertidal habitat
- Loss of trees, hedges or woodland
- Loss of ponds in the countryside
- Loss of heathland or species-rich grassland

Guidance, Policy background and further information sources:

Applications for development that has the potential to adversely affect biodiversity must be accompanied by an Ecological Report which must appraise the site itself and adjacent land. It must be produced by a suitably qualified and licensed ecological consultant and include:

- desk study
- phase 1 survey
- Natural England Biodiversity Metric calculations
- protected species surveys
- any additional habitat and species surveys advised by the ecologist.
- assessment of importance of biodiversity features
- assessment of impacts and losses quantified in m²/hectares
- suite of measures to fully avoid/mitigate/compensate for impacts and losses and to provide biodiversity net gain.
- details of how these will be delivered.
- details of biodiversity enhancements quantified in m²/hectares
- net gain that will be provided and
- a scheme for monitoring the effectiveness of mitigation/compensation

Surveys may need to be undertaken over an extended period and the results used to inform the design of the development/compensation. Many parts of Teignbridge provide habitat and breeding grounds for legally protected species. Applicants/agents need to comply with all relevant legislation relating to these protected species.

All surveys must be up to date (less than 2 ½ years old at time of submission) and produced by a suitably qualified and licensed professional ecological consultant (with licence number quoted in the report). See [Biodiversity and Development web page](#) for more information and contacts. If your professional ecological consultant considers that a full report is not required, a letter from them including reasons, robust justification and photographic evidence to support the conclusion, may be submitted instead.

Where surveys can only be done at certain times of the year you should make sure that the report has been commissioned and received and submitted with your application. We will not hold onto invalid applications awaiting reports.

Devon County Council (DCC) checklist

Please note that DCC have a checklist on their website re whether or not a wildlife report should be submitted with a planning application, but it does not cover our criteria and so a negative outcome on this checklist cannot be accepted as a reason not to submit a survey where this validation guide requires one.

Further Information

[Natural England Standing Advice for Protected Species](#)

Teignbridge Contacts:

Website - [Biodiversity and Development web page](#)

Email - designandheritage@teignbridge.gov.uk

3.10 Biodiversity Net Gain

Required for:

All applications in accordance with statement on the completed application form.

Guidance, Policy background and further information sources:

The application must be accompanied by the following information as set out in [Article 7 of The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#):

- (a) a statement as to whether the applicant believes that planning permission, if granted, would be subject to the biodiversity gain condition.
- (b) where the applicant believes that planning permission, if granted, would not be subject to the biodiversity gain condition, the reasons for that belief.
- (c) in cases where the applicant believes that planning permission, if granted, would be subject to the biodiversity gain condition—
 - (i) the pre-development biodiversity value(s), [either on the date of application or earlier proposed date \(as appropriate\)](#);
 - (ii) where the applicant proposes to use an earlier date, this proposed earlier date and the reasons for proposing that date.
 - (iii) [the completed metric calculation tool](#) (this will be either the Statutory Biodiversity Metric or Small Sites Metric) showing the calculations of the pre-development biodiversity value of the onsite habitat on the date of application (or proposed earlier date) including the publication date of the biodiversity metric used to calculate that value.
 - (iv) a statement whether activities have been carried out prior to the date of application (or earlier proposed date), that result in loss of onsite biodiversity value ('[degradation](#)'), and where they have:
 - a. a statement to the effect that these activities have been carried out.
 - b. the date immediately before these activities were carried out.
 - c. the pre-development biodiversity value of the onsite habitat on this date.
 - d. the completed metric calculation tool showing the calculations, and
 - e. any available supporting evidence of this.
 - (v) a description of any [irreplaceable habitat](#) (as set out in [column 1 of the Schedule to the Biodiversity Gain Requirements \(Irreplaceable Habitat\) Regulations 2024](#)) on the land to which the application relates, that exists on the date of application, (or an earlier date); and
 - (vi) plan(s), drawn to an identified scale and showing the direction of North, showing onsite habitat existing on the date of application (or earlier proposed date), including any irreplaceable habitat (if applicable). This should include all onsite habitat included in the calculation of the biodiversity value of the onsite habitat within the submitted biodiversity metric.

The following information must also be provided.

- [Devon BNG Statement for Validation](#) checklist must be completed and submitted with your application (provided by Devon County Council working on behalf of all Devon Local Planning Authorities)
- Draft [Biodiversity Gain Plan](#) (BGP). Template on Gov.UK
- Draft [Habitat and Monitoring Plan](#) (HMMP) where significant onsite biodiversity net gain is proposed. Template on Natural England website
- Heads of Terms for any Biodiversity Net Gain Planning Obligations particularly where an off-site BNG site is proposed.
- The completed metric, required by point iii above, shall also include detail of how the 10% net gain will be achieved through on-site creation and enhancement and/or off-site creation and enhancement.
- If the submitted metric includes any “red boxes”/errors then an explanatory statement setting out the reasons why or how the shortfall will be satisfied shall be submitted

Teignbridge Contacts:
Website – To be added.
Email - planning@teignbridge.gov.uk

3.11 Carbon Reduction Plan

Required for:

All major applications for residential or commercial development.

Guidance, Policy background and further information sources:

Teignbridge District Council declared an [environment and climate change emergency](#) and plays a leading role in tackling climate change. All development proposals, both major and non-major, should seek to minimise their carbon footprint both during construction and in use.

For major applications a Carbon Reduction Plan is required in line with Policy EN3 of the Teignbridge Local Plan, showing how the overall emissions associated with the development will be limited in line with Policy S7 (Carbon Emissions Targets) of the Teignbridge Local Plan which seeks to reduce emissions from development. This must include a representative sample number of Standard Assessment Procedure (SAP) calculations, produced by a qualified Energy Assessor, to substantiate the commitments contained within the carbon reduction plan.

Policy S7 was amended following the Executive Council meeting on 8 October 2019, in accordance with the updated 2008 Climate Change Act, and now requires a 48% reduction in emissions by 2033.

Further information

[Teignbridge Local Plan S7 and EN5](#)

3.12 Community Infrastructure Levy

Required for:

- New residential units
- Residential extensions of more than 100m²
- Residential annexes
- Holiday lets (excluding hotels)
- Out of town retail development

Guidance, Policy background and further information sources:

Community Infrastructure Levy (CIL) is charged on residential and out of town retail development under the [Community Infrastructure Levy Regulations 2010](#). The levy is used to pay for improving and providing new infrastructure, including roads, education, recreation and public transport facilities.

A [CIL Additional Information form](#) must be completed and submitted with these applications.

Warning - If the application is approved, with a CIL liability, the applicant must ensure the correct forms are received by the council and the correct procedures are followed before any

development including demolition takes place or the full amount including surcharges could become immediately payable and any set offs/exemptions may be forfeit.

Further Information:

[CIL Guidance](#)

[CIL Forms](#)

Teignbridge Contacts:

Email - planning@teignbridge.gov.uk

Website - [CIL web page](#)

3.13 Compliance with outstanding conditions

Required for:

Where there are related applications

Guidance, Policy background and further information sources:

Where there are previous approvals with conditions that need to be discharged prior to submission of subsequent applications. Ensure that these have been complied with before submitting the new application.

3.14 Design and Access Statement

Required for:

- All major applications.
- All Listed Building Applications.

Required for the following applications * in a Conservation Area:

- One or more dwellings
- Increase in floor space of 100m² or more (any type of development)

*except for:

- Change of Use unless it involves development
- Engineering or Mining operations or Waste development
- Section 73 applications to vary or remove conditions

Guidance, Policy background and further information sources:

A Design and Access Statement is a concise report providing a framework for applicants to explain how the proposed development is a suitable response to the site and its setting and demonstrate that it can be adequately accessed by prospective users. They aid decision-making by enabling the council and third parties to better understand the analysis that has underpinned the design of a development proposal.

The level of detail in a Design and Access Statement should be proportionate to the complexity of the application but should not be long.

Design and Access Statement for a planning application must:

- Explain the design principles and concepts that have been applied to the development
- Demonstrate the steps taken to appraise the context (particular characteristics of the site and its wider setting) of the development and how the design of the development takes that context into account
- Explain the approach to access, and how relevant Local Plan policies have been taken into account

- Detail any consultation undertaken in relation to access issues and how the outcome of the consultation has informed the development
- Explain how any specific issues which might affect access to the development have been addressed

Design and Access Statement for Listed Building Consent must:

- Explain the design principles and concepts that have been applied to the works
- Explain the approach to access, including what alternative means of access have been considered, and how relevant Local Plan policies have been taken into account
- Detail any consultation undertaken in relation to access issues and how the outcome of the consultation has informed the development
- Explain how any specific issues which might affect access to the development have been addressed
- Explain how both the design and access elements take account of
- The special architectural or historic importance of the building
- The particular physical features of the building that justify its destination as a listed building
- The building's setting

Access explanations are not required for listed building consent that only affects the interior of a building.

Teignbridge Contacts:

Email - planning@teignbridge.gov.uk

New Section - Designing out Crime statement

Required for:

All Major developments

- Educational Buildings
- New neighbourhood community facilities
- Premises where the intended occupants are particularly vulnerable and require higher standards of security to ensure their personal safety, i.e. care homes, drug rehabilitation centres etc.
- ATM/ cash machines

Guidance, Policy background and further information sources:

The statement should detail how Crime Prevention Through Environmental Design principles are to be incorporated into the development. This includes:

- Access and Movement - places with quality connections and well-defined routes, that provide convenient movement without compromising security
- Structure – encouraging 'active frontages' and limiting access to private space
- Surveillance – encouraging overlooking of public spaces by those who will take action should a crime be committed
- Ownership – clearly defining where public space ends and private space begins and encouraging people to take ownership of their environment
- Physical Protection – ensuring buildings include appropriate physical measures to prevent crime
- Activity – ensuring the level of human activity is appropriate to the location to reduce the risk of crime and increase perceptions of public safety
- Management and Maintenance – discouraging disorder by creating places that are well looked after with minimum cost implications.

3.15 Environmental Impact Assessment

Required for:

Development falling within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regs)

Guidance, Policy background and further information sources:

An Environmental Statement (and non-technical summary) must be provided for any development that falls within Schedule 1 of the [Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017](#) and for some Schedule 2 projects. The Environmental Statement must be prepared by persons who, in the opinion of the council, have sufficient expertise to ensure the completeness and quality of the statement. The Environmental Statement must be accompanied by a statement setting out how the requirement for sufficient expertise has been met.

Applicants/agents can seek a 'screening opinion' from the Council as to whether an Environmental Impact Assessment (EIA) is required. This is best done at the pre-application stage.

- If an EIA is required, the Council can then carry out a 'scoping opinion' to identify the matters that the EIA will need to address. The Environmental Statement must then be submitted with the application
- If an EIA is not required there is no further action needed

If a screening opinion is not sought before an application falling within Schedule 1 or 2 of the EIA Regs is submitted, it will still be validated and the Planning Case Officer will undertake a screening opinion during the first couple of weeks of the planning process. If the application requires an EIA the planning application process ('clock') will stop until the Environmental Statement is provided.

In cases where an EIA is not required environmental information may still need to be provided. See other sections of this document.

Teignbridge Contacts:

Email - planning@teignbridge.gov.uk

3.16 Fire Statement

Required for:

Development of a building 18m or 7 storeys high which consists of 2 or more dwellings or educational accommodation.

Guidance, Policy background and further information sources:

In accordance with Article 9A of Development Management Procedure Order 2015 any development resulting in a building which is 18m high or 7 storeys high and consists of 2 or more dwellings or educational accommodation must submit a Fire Statement with details as per the DMPO 2015.

- Not required for Outline or S73 Variation applications.

Teignbridge Contacts:

Email - planning@teignbridge.gov.uk

3.17 Flood Risk Assessment/Surface Water Management

Required for:

- All development within Flood Zones 2 or 3
- All Major Development (regardless of whether or not in a Flood Zone)
- Development less than 1 ha in flood zone 1, including a change of use in development type to a more vulnerable class (for example from commercial to residential)
- Development in a critical drainage area
- Development within 20 metres of the top of the bank of a main river or includes the control of any river or stream.

Guidance, Policy background and further information sources:

Use the [Flood map](#) to identify if a site is in a flood zone. The FRA should be produced using the [Environment Agency advice on FRA](#) and the [Flood risk assessment advice](#) in the Planning Practice Guidance.

Critical Drainage Area information and maps are available on the Devon County Council Website [Planning and development - Flood Risk Management \(devon.gov.uk\)](#).

They are also available spatially on the [My Neighbourhood Map](#)

The FRA should include evidence regarding the availability of any alternative sites at a lower risk of flooding to help the LPA determine whether the flood risk Sequential Test can be satisfied. The FRA must also provide sufficient information to demonstrate whether the proposal will be safe of its lifetime, not increase flood risks elsewhere and (where possible) reduce flood risks overall. Within each Flood Zone, new development should be directed to sites at the lowest probability of flooding from all sources.

The FRA should identify and assess the risks of all forms of flooding to and from the development and demonstrate how these flood risks will be managed, taking climate change into account. The FRA should identify opportunities to reduce the probability and consequences of flooding. The FRA should include the design of surface water management systems including Sustainable Drainage Systems (SuDs). The FRA should also address the requirement for safe access to and from the development in areas at risk of flooding and include a map showing access and egress with projected depths along the full course of these routes.

Note – Levels on plans submitted with applications in Flood Zones 2 and 3 should be shown in mAOD.

Contacts:

Environment Agency cost-recovered pre-application advice for zones 2 and 3 from

SPDC@environment-agency.gov.uk

[Devon County Council as Lead Local Flood Authority](#)

Teignbridge District Council – Planning@teignbridge.gov.uk

Surface Water Management

Required for:

- All new developments
- Any new developments where surface water is to be managed by soakaway must provide results of infiltration tests.

Guidance, Policy background and further information sources:

Surface Water Management - All new developments must have an effective and robust surface water system which should not increase flood risk to adjacent properties or land and where possible should make improvements to reduce the risk of flooding.

Applicants must demonstrate how surface water from the development will be disposed of in a manner that does not increase flood risk elsewhere, in accordance with Sustainable Drainage Systems (SuDS) principles. SuDS systems should be designed in accordance with local and national standards.

Critical Drainage Areas (Ashburton, Bovey Tracey, Dawlish Warren, Newton Abbot and Holbeam) specify particular requirements for surface water management, such as discharging surface water at a rate no higher than the equivalent 1 in 10 year return period.

If surface water is to be managed by infiltration, then groundwater will need to be monitored to ensure it will not impact on infiltration features.

Major developments must be accompanied by a Surface Water Management Plan.

Devon County Council, as the Lead Local Flood Authority, is the statutory consultee for major developments with surface water implications.

Developments in catchment for water sensitive SSSIs may be required to provide further detail. This should be discussed prior to application.

Further Information:

[Government advice on flood risk management](#)

[Section 10 of Devon County Council SuDS Guidance](#)

Teignbridge Contacts:

Email - planning@teignbridge.gov.uk

Foul Drainage Assessment (FDA)

Required for:

All development involving a non-mains drainage system.

Guidance, Policy background and further information sources:

Foul Drainage Assessment (FDA)

NPPG para 20 sets out that, foul drainage should discharge into a public sewer unless cost/practicality makes this unfeasible. Only then should non-mains sewage disposal solutions be considered.

A FDA should be submitted with all development involving a non-mains drainage system including justification as to why connection to the mains sewerage system is not feasible and sufficient information to demonstrate that the proposed system will be viable and not detrimental to the environment such as:

- Full details of proposed flows
- A plan showing location of proposed treatment plant and soakaway field/discharge point
- Percolation test results to demonstrate viability of any soakaway.

The Environment Agency have an [FDA Form](#) online.

Contacts:

Environment Agency cost-recovered pre-application advice for major applications from SPDC@environment-agency.gov.uk

Teignbridge District Council for non-major applications from planning@teignbridge.gov.uk

3.18 Green Infrastructure

Required for:

All Major Applications and any application that has a significant impact on Green Infrastructure corridors (as defined on page 25 of the Teignbridge Green Infrastructure Strategy 2014)

Guidance, Policy background and further information sources:

The [Teignbridge Green Infrastructure Strategy 2014](#) is the key document for Green Infrastructure (GI) in Teignbridge and is supported by the [Devon County Council GI Strategy](#). A list of typical GI assets can be found in the [Landscape Institute's Position Statement](#) (page 4).

Proposals should not harm the integrity of the strategic and local GI network or diminish the value of existing key GI assets. Where appropriate, the value of existing GI assets shall be enhanced, new assets created, and connectivity improved between individual assets. Particular emphasis should be placed on delivering high quality assets that provide multiple functions and benefits.

A Green Infrastructure Context Plan is required to identify the key GI opportunities for the development site and how they relate to the surrounding area and the GI network. This plan presents the evidence base for the Green Infrastructure Masterplan and is informed by an evaluation of the existing and potential assets and their potential roles and benefits.

A Green Infrastructure Masterplan is required to identify and define green infrastructure provision within the proposed development site and how these proposed GI site assets connect to the wider GI network.

A Green Infrastructure Statement is required to explain how the proposal contributes to achieving the Teign Green Network local vision and themes. It should include how the proposed GI influenced the design of the proposed development and how it delivers GI benefits.

Teignbridge Contacts: Email – forwardplanning@teignbridge.gov.uk

3.19 Ground Conditions / Instability

Required for:

- Applications in areas of land instability
- Applications within 200 metres of cliffs, chines or steep embankments

Guidance, Policy background and further information sources:

Where any instability is suspected or may occur in coastal areas or due to steep slopes, mining activities etc. a Land Stability Report must be undertaken for development and should be produced by a suitably qualified geotechnical, civil or structural engineer. A Land Stability Report is not only for coastal sites, it will also be required for inland areas of unstable land.

The report may assess local geology, the history of landslides, consider ground investigation, soil testing, slope stability analysis and reporting depending upon the level of assessment needed.

Further information

[Government guidance on land stability](#)

Teignbridge Contacts:

Email - planning@teignbridge.gov.uk

3.20 Heritage Statement (including Historical, archaeological features and Scheduled Monuments)

Required for:

Proposals that

- Affect a Listed Building
- Located in or adjacent to a Conservation Area
- Affect a Scheduled Ancient Monument
- Affect the district's heritage assets - including sites likely to contain archaeological remains
- Affect Registered Parks & Gardens

Guidance, Policy background and further information sources:

A Heritage Statement, including a Description or Statement of Significance is required for all development affecting heritage assets. A heritage asset is defined as 'a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).' It should give a description of the heritage asset affected and the contribution of the setting to that significance.

- The scope and level of detail should be proportionate to the importance of the heritage asset and will vary according to the particular extent of the works involved and the circumstances of each application.
- Information gained from the [historic environment record](#), together with the impact of the proposal should be set out to explain the design concept in conjunction with the Design and Access Statement.
- It should detail the sources that have been considered and the expertise that has been consulted.
- It should contain photos, phasing plans etc to help understand the impact of the changes proposed.

A Heritage Statement must be provided for each of the following:

For Listed Building Consent, it should outline the historic importance of the building and include a schedule of works, an analysis of the significance of archaeology, history and character of the building/structure, the principles of and justification for the proposed works and their impact on the historic fabric, the special character of the listed building or structure, its setting and the setting of any adjacent listed buildings. A listing includes the entire building,

both inside and out, as well as curtilage structures, even if they are not mentioned in the statutory list description. It is not sufficient to submit the statutory list description. A structural survey may also be required.

Where the proposal includes total or substantial demolition of a listed building the statement should include:

- Condition of the building and cost of repair/maintenance in relation to the importance of the building and the value derived from continued use
- Efforts made to retain the building in use including open marketing at a realistic price
- Merits of alternative proposals for the site

For substantial or total demolition in a Conservation Area Consent, where a building or structure is positively contributing towards the character of a conservation area. It should include:

- a structural survey outlining the condition of the building
- a written analysis of
 - the character and appearance of the building/structure
 - the contribution it makes to the conservation area
 - the principles of, and justification for, the proposed demolition
 - the impact of the demolition on the special character of the area.

For **applications either related to, or impacting on, the setting of heritage assets**, depending on the scale of the application, it should include:

- plans showing historic assets that may exist on, or adjacent to, the application site including listed buildings and structures, historic parks and gardens, historic battlefields and scheduled monuments
- an analysis of the significance of archaeology, history and character of the building/structure
- the principles of, and justification for, the proposed works and their impact on the special character and setting of the heritage asset

If previously unidentified heritage assets are found that are considered to be of architectural, artistic, archaeological or historic Interest and their significance will need to be judged.

Information on the heritage assets must be sought from the [historic environment record](#) and the effects of proposals on identified assets will need to be considered.

For **applications within or adjacent to a Conservation Area** it should include an assessment of the impact of the development on the character, appearance or setting of the area. [Conservation Area Appraisals](#) have been prepared by the Council for each of the conservation areas.

New development will need to demonstrate that it preserves those aspects of its setting that either enhances or makes a positive contribution towards the character or appearance of the conservation area.

For **applications involving the disturbance of ground on sites that are known to have or are considered likely to have archaeological interest** an applicant may need to commission an assessment of existing archaeological information as well as more intrusive archaeological investigations and submit the results as part of the Heritage Statement to allow

the importance of the archaeological site to be understood along with the impact of the development upon it, and enable an informed and reasonable planning decision to be made. Such information on the recording of archaeological remains should be made publicly available, particularly where a heritage asset is to be lost. This normally involves adding the information to the [historic environment record](#) and the appropriate museum or other repository.

Further Information

[Government guidance on conserving and enhancing the historic environment](#)

[Section 128 of National Planning Policy Framework](#)

Devon County Council Historic Environment Team can advise as to the requirement and scope of any heritage statement or archaeological interest of the site.

Email: archaeol@devon.gov.uk

Teignbridge Contacts:

Email - designandheritage@teignbridge.gov.uk

Website - [Listed buildings web page](#)

3.21 Land Contamination Assessment

Required for:

On all applications where the answer to any of the 'Existing Use' questions on the application form is 'yes'

Or if the proposal is likely to pose a risk to controlled waters.

Guidance, Policy background and further information sources

A Land Contamination Assessment, completed by a competent person, must be submitted with all applications where contamination is known or suspected and also for any particularly vulnerable use. This is required to determine the existence or otherwise of contamination, its nature and the risks it may pose and whether these can be satisfactorily reduced to an acceptable level.

'Particularly vulnerable use' includes dwellings, schools, nurseries, allotments and playing fields among others. Residential extensions and conservatories are excluded unless there is a known contamination issue.

However, to ease the burden on small developers, the Council will **not** normally require an assessment: -

- For residential extensions or small residential schemes on sites which are within a residential curtilage where there is no reason to suspect nearby contamination or
- Where there is a current approval or where a contaminated land report has already been submitted as part of a previous application or
- Where the application is clearly not a risk e.g., minor change with no ground disturbance

If the proposed development is situated within 250 metres of a former landfill site there will be a requirement for specific consideration of issues with ground gas.

Further guidance under the Environmental Protection Act 1990 Part 2A is in the [DEFRA Contaminated Land Statutory Guidance](#)

Teignbridge Contacts:

Email – Environmental Health envc@teignbridge.gov.uk

Website - [Contaminated land web page](#) for general information and Technical Advice notes 1 and 2

Environment Agency cost-recovered pre-application advice if the proposal is likely to pose a risk to controlled waters from SPDC@environment-agency.gov.uk

3.22 Landscape & Visual Assessment/Landscape Proposals

Required for:

- All Applications likely to have a significant landscape or visual impact
- All Applications with potential to adversely affect Areas of Great Landscape Value (AGLV), Undeveloped Coast (CPA) & Registered Historic Parks & Gardens

Guidance, Policy background and further information sources

Landscape should be considered at the inception of development schemes. This should take the form of an assessment and an analysis of the site and context, helping to:

- Inform an understanding of the character of the site and the site context
- Identify the key characteristics of an area to which development proposals need to respond
- Influence design decisions that would help minimise adverse effects on the landscape and visual amenity and help to create a distinctive identity

An assessment of the landscape impacts of the proposals should include its impact on landscape character and visual impact, including wider impact from public viewpoints and residential amenity. Visual impact should take account of the distance from the development, magnitude of impact, sensitivity of viewers (e.g., a notable public viewpoint) and seasonal effects of screening vegetation.

Site survey & analysis plans should include topography (contours/spot heights), existing features such as trees, hedges and other vegetation, ponds and watercourses, structures & earthworks, roads, tracks & paths, historic features and service information. Analysis should include conditions & value of site features, views and viewpoints, soils & ground conditions and microclimate.

The scope and detail of landscape assessment and design will vary and should be proportionate to the scale and impact of the development. Whilst major developments will require a full Landscape and Visual Impact Assessment, a Landscape & Visual Appraisal or Technical Note with photographs may be adequate for smaller proposals.

Images and photomontages should follow [Visualisation of Development](#) guidance.

Landscape proposal plans should indicate the location of existing and proposed trees, hedges and other vegetation to be retained/removed and of other site features identified in the survey such as boundary fences and walls along with existing and proposed levels where appropriate. Detailed proposals for hard and soft landscape works should include proposed earthworks (excavation/re-grading), water features, heights and materials for hard boundaries and surfaced areas and planting and maintenance schedules and specifications. These should include species mixes, numbers/percentages, planting distances, method, size/type of plant, cultivation, protection (e.g., stock fencing/guards) and maintenance (e.g., weeding, pruning, mulching and watering). All new planting should be covered by a 5 year establishment maintenance period. Any plant which fails to establish successfully during this period should be replaced.

Hard and soft landscaping and building design should be complementary. The design should allow sufficient space for the long-term retention of existing mature trees and hedgerows and for the planting of trees and hedges of appropriate size, allowing for their long term growth.

A Planting Strategy should accompany larger schemes: to describe the strategic purposes of different aspects of the planting, such as responding to the natural and cultural landscape context, define spatial massing and containment, create identity, screening, unity, variety and stimulation.

A Long-term Landscape/Ecological Management Plan (LEMP) will be required for larger schemes/major applications where the long-term character of vegetation is key to the suitability of development proposals.

A Heritage Statement will be required where proposals are likely to have impacts on Registered Parks and Gardens or its setting.

Further information.

Teignbridge [Landscape web page](#) has links to the following useful documents:

- Teignbridge District Landscape Character Assessment
- Devon County Landscape Character Assessment
- National Character Area Profiles
- Teignbridge Landscape Design Planning Advice Note
- Solar Photovoltaic Development in the landscape SPD
- Sensitivity to Onshore Wind Energy Developments

[Native hedgerows and Devon banks](#)

Teignbridge Contacts:

Email - designandheritage@teignbridge.gov.uk

Website - [landscape web page](#)

3.23 Lighting assessment

Required for:

Applications involving significant external lighting.

Guidance, Policy background and further information sources

All proposals involving the provision of publicly accessible developments, in the vicinity of residential property, a Listed Building, a Conservation Area, Local Wildlife Sites, sites of biodiversity value, green link or watercourse, where external lighting would be provided or made necessary by the development.

Lighting assessment should include the following as relevant:

- hours of operation;
- an isolux contour map showing light spillage to 1 lux;
- light levels;
- column heights; layout plan with beam orientation,
- a schedule of equipment
- a description of the measures such as hoods and cowls that have been provided to avoid glare;
- impact on nearby dwellings or roads and use of planting to mitigate effect.

Institute of Lighting Engineers guidance on reducing obtrusive lighting.

<https://theilp.org.uk/publication/guidance-note-1-for-the-reduction-of-obtrusive-light-2021/>

Teignbridge Contacts:

Email - planning@teignbridge.gov.uk

3.24 Manufacturer's details

Required for:

Applications for

- wind turbines
- solar panels
- microgeneration
- extraction devices
- etc.

Guidance, Policy background and further information sources

Manufacturer's specification of device and model type.

Teignbridge Contacts:

Email - planning@teignbridge.gov.uk

3.25 Mineral Resource Assessment

Required for:

Applications located within a Mineral Safeguarding Area (MSA) or Mineral Consultation Area (MCA)

Guidance, Policy background and further information sources

For development within an MCA, Policy M2 of the Devon Minerals Plan seeks to safeguard mineral resources but does allow for non-mineral development where the applicant can demonstrate that the mineral resource is not of current or potential economic or heritage value.

The need for an MRA will be identified by DCC through pre-application consultation or on consultation following submission of a planning application.

More information:

[DCC Mineral Safeguarding SPD](#)

Contacts:

Devon County Council

3.26 Noise impact assessment

Required for:

Applications for

- Potentially noise generating developments near sensitive locations
- Noise sensitive applications near existing noise generating uses

Guidance, Policy background and further information sources

The following developments should include a noise impact assessment / noise mitigation scheme for the impact of noise on nearby residential uses:

- change of use to restaurants, cafes, takeaways or drinking establishments
- conversion of buildings to residential use
- new residential development sited on classified roads
- new residential development nearby to licensed premises
- new commercial development within Use Classes B2 or B8 adjacent to existing residential development
- any application for an entertainment and licensed premise

Other developments (including day nurseries, sports facilities, smoking areas, places of worship) can generate noise and may warrant a noise impact assessment / noise mitigation scheme, this will be determined on a site-to-site basis.

If the development includes a delivery or service yard the noise assessment should include how the noise from deliveries will be controlled.

Noise Impact Assessments should be based on physical measurement surveys rather than predictive modelling. It will normally be necessary to confirm the noise emissions of proposed new plant and equipment, either from reliable manufacturers' data or by undertaking measurements of existing facilities elsewhere, rather than relying on assumed noise emissions. A Noise Impact Assessment should be prepared by a suitably qualified acoustician. The Institute of Acoustics have a [find-a-specialist service](#)

Guidance on the production of the assessment can be found at [Institute of Acoustics ProPG: Planning & Noise – New Residential Development](#)

For commercial kitchens a noise assessment should be completed and submitted with the application demonstrating the potential impact of the proposal and the mitigation that will be used. Guidance can be found in the [Control of Odour and Noise from Commercial Kitchen Exhaust Systems](#).

Teignbridge Contacts:

Email – Environmental Health envc@teignbridge.gov.uk

3.27 Planning Statement

Required for:

- All Major applications
- Applications with economic impact

Guidance, Policy background and further information sources

A planning statement should identify the context and need for a proposed development and include:

- An assessment of how the proposed development accords with relevant national, regional and local planning policies
- Details of consultations with the local planning authority and wider community/statutory consultees undertaken prior to submission
- A separate statement on community involvement where appropriate
- Any regeneration benefits from the proposed development, including:
 - details of any new jobs that might be created or supported
 - the relative floorspace totals for each proposed use (where known)
 - any community benefits
 - reference to any regeneration strategies that might lie behind or be supported by the proposal

Teignbridge Contacts:

Email - planning@teignbridge.gov.uk

3.28 Retail and Leisure Development

Required for:
All retail and leisure development

Guidance, Policy background and further information sources

Any applications which represent a departure from the local plan will require an Impact Assessment covering:

- a) impact of the proposal on existing, committed and planned investment in a centre or centres in the catchment area of the proposal
- b) impact of the proposal on town centre vitality and viability
- c) availability of alternative sites for the development
- d) accessibility of site and connections to the town centre

The level and type of evidence and analysis required to address the key considerations should be proportionate to the scale and nature of the proposal.

Further guidance

[Teignbridge Local Plan](#)

Teignbridge Contacts:

Email - planning@teignbridge.gov.uk

3.29 Section 106 Agreements—section removed.

3.30 Self Build Dwellings

Required for:

All residential applications that include self-build

Guidance, Policy background and further information sources

The online application form does not currently include an option to record self-build. Therefore proposals that include self-build must use the [Residential Dwelling Units Supplementary Information Template](#) which does include self-build. This is available as a download whilst completing the online application process.

3.31 Sport Facilities

Required for:

All applications that involve loss or change of sports facilities.

Guidance, Policy background and further information sources

Where applications will result in a loss of playing fields or loss or change of other facilities

Sports England will be consulted and require:

- Plans showing extent of playing field area lost
- Justification for chosen location and alternatives considered
- Any changes in provision of sports facilities
- How replacement facilities will equal or better quality will be achieved and maintained

Further information:

www.sportengland.org

3.32 Statement of Community Involvement

Required for:

Major applications

Guidance, Policy background and further information sources

Applicants are strongly encouraged to:

- seek pre-application advice from the council and from statutory consultees
- write and regularly review a Consultation Strategy for the proposal, in consultation with the Council, taking into account the [Statement of Community Involvement](#), adopted by the Council in June 2019
- Consult the local community in accordance with the Consultation Strategy
- Consider the consultation responses received and submit a document explaining how it has influenced the planning application.

Teignbridge Contacts:

Email - planning@teignbridge.gov.uk

3.33 Structural Survey

Required for:

Conversion of existing buildings

Guidance, Policy background and further information sources

A Structural Survey, carried out by a qualified structural engineer, may be required in support of an application if the proposal involves conversion of an existing building, for example barn conversions.

Teignbridge Contacts:

Email - planning@teignbridge.gov.uk

3.34 Telecommunications Development

Required for:

Telecommunications applications

Guidance, Policy background and further information sources

Planning applications for mast and antenna development by mobile phone network operators in England should be accompanied by a range of supplementary information including the area of search, details of any consultation undertaken, details of the proposed structure, and technical justification and information about the proposed development along with evidence that all relevant Mast-Sharing and Site-Sharing opportunities have been investigated.

Planning applications should also be accompanied by a signed declaration that the equipment and installation has been designed to be in full compliance with the requirements of the radio frequency (RF) public exposure guidelines of the International Commission on Non-Ionizing Radiation Protection (ICNIRP).

Teignbridge Contacts:

Email - planning@teignbridge.gov.uk

3.35 Transport Assessment/Travel Plan or Transport Statement

Required for:

- Schemes with significant transport implications.

- The thresholds are set out in Appendix B of [Guidance on Transport Assessment \(March 2007\)](#)
- Development of land resulting in a material increase or significant change of traffic using existing rail infrastructure (particularly level crossings) or require rail improvements.

Guidance, Policy background and further information sources

A Transport Assessment (TA) is required. The coverage and detail of the TA should reflect the scale of the development and the extent of the transport implications of the proposal. For major proposals, the TA should illustrate accessibility to the site by all modes of transport, and the likely modal split of journeys to and from the site. It should also give details of proposed measures to improve access by public transport, walking and cycling, to reduce the need for parking associated with the proposal, and to mitigate transport impacts.

A Travel Plan (TP) is also required outlining the way in which the transport implications of the new development will be managed in order to ensure the minimum environmental, social and economic impacts.

For schemes with relatively small transport impacts, a Transport Statement can be submitted instead of the TA/TP outlining the transport aspects of the application, assessing the existing and proposed conditions but without the detailed analysis of impact on the wider network.

The Transport Assessment or Transport Statement must include Annual Average Daily Traffic flow (AADT) as well as peaks.

Where an application affects/alters the use of a level crossing the developer will be required to submit data regarding pedestrian and/or vehicular trips over the level crossing to ascertain what level of mitigation is required as a result of the development.

Where a Transport Assessment is required The [Active Travel England \(ATE\) Planning Application Assessment Toolkit](#) should also be completed and submitted.

Information to be submitted should be agreed in advance as part of pre-application discussions.

Further guidance

[Travel Plans, Transport Assessments and Statements - GOV.UK \(www.gov.uk\)](#)

Teignbridge Contacts:

Email - planning@teignbridge.gov.uk

3.36 Vacant Building Credit

Required for:

5 or more dwellings where vacant buildings to be demolished and vacant building credit for Affordable Housing is being claimed.

Guidance, Policy background and further information sources

Vacant Building Credit (VBC) was introduced with the aim of stimulating the re-development of brownfield sites. It offers a financial credit based of the existing gross internal floor area of the vacant building to the development site. It does not apply to a building that has been deemed

abandoned. VBC Policy is set out in NPPF (paragraph 63) and Planning Practice Guidance (paragraph 028 Reference ID:23b-028-20190315).

To apply for Vacant Building Credit a statement must be submitted as part of the planning application which provides:

- Evidence that any referenced building is a 'Vacant Building'. A 'Vacant Building' is a building that has not been in use for three years.
- Evidence a building on site is not an 'Abandoned Building' or vacated solely for the purpose of redevelopment. The council will take into account all of the following:
 - The physical condition of the building
 - The length of time that the building has not been used
 - Whether it had been used for any other purpose
 - Evidence of the owner's intentions

Layout Plans showing the footprint and Gross Internal Floor Area (GIFA) of the existing building are required along with floor plans of the proposed development showing GIFA.

The NPPF specifically excludes 'land that is or was last occupied by agricultural or forestry buildings' and buildings in residential use cannot be used for VBC for the purposes of affordable housing.

Further information

[Vacant Building Credit Advice Note](#)

Teignbridge Contacts:

Email - planning@teignbridge.gov.uk

3.37 Ventilation and Extraction Details

Required for:

All applications for:

- Restaurant and Cafes
- Drinking Establishments
- Hot Food Take-Away
- Applications within Use Class E that produce odorous emissions

Guidance, Policy background and further information sources

Details of the position and design of ventilation and extraction equipment, including height of flues from external roofs, odour abatement techniques and acoustic noise characteristics, will be required to accompany all applications for the Use Classes:

Applications for the use of premises for the following purposes:

- Restaurant and Cafes
- Drinking Establishments
- Hot Food Take-Away

May also be required for Use Class E (general business), B2 (general industrial) and other commercial developments that will cause odorous emissions for example brewing, rendering, paint spraying, leisure uses etc. where substantial ventilation or extraction equipment is proposed to be installed.

This information (excluding odour abatement techniques unless specifically required) will also

be required for significant retail, business, industrial or leisure or other similar developments where substantial ventilation or extraction equipment is proposed to be installed.

Any ventilation or extraction systems should be marked on the relevant elevation drawings.

For commercial kitchens a noise and fume assessment should be completed and submitted with the application demonstrating the potential impact of the proposal and the mitigation that will be used. Guidance can be found in the [Control of Odour and Noise from Commercial Kitchen Exhaust Systems](#).

Teignbridge Contacts:

Email – Environmental Health envc@teignbridge.gov.uk

3.38 Viability Assessment

Required for:

Major Residential applications not meeting Affordable Housing targets.

Guidance, Policy background and further information sources

If an application does not offer the appropriate level of affordable housing as set out in the adopted [local plan](#) a viability assessment is required to show that provision of the required level of affordable housing would make the development not viable. This assessment itself will be subject to a separate appraisal by an assessor approved by the Council and paid for by the developer and will be published on the website in line with guidance as set out in the Planning Practice Guidance for [Viability and decision taking](#)

Teignbridge Contacts:

Email - planning@teignbridge.gov.uk

3.39 Waste Audit Statement/Waste Management plan

Required for:

Major applications and those involving extensive excavation.

Guidance, Policy background and further information sources

Required to detail the proposal for dealing with waste produced during construction and resulting from the development.

Major development proposals to be accompanied by a Waste Audit Statement. This is to minimise waste production and support sustainable waste management throughout the demolition, construction and operational phases of the development.

Further guidance from Devon County Council:

- [Policy W4 of the Devon Waste Plan](#)
- [Waste Management and Infrastructure Supplementary Planning Document](#)

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Householder Planning Application Validation Guide

(see separate guide for all other types of planning application)

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2. Plans required (depending on type of application)	Page 3
3. Information required (depending on type of application)	Page 5

GENERAL INFORMATION

This validation guide sets out the information required to validate a householder planning application. It includes both national and local validation requirements.

Pre-Application Advice

We offer a paid pre-application advice service www.teignbridge.gov.uk/planningadvice

Submitting an application

Applications can be submitted online at www.teignbridge.gov.uk/planningapply

What is Validation?

Validation is the process of checking that all relevant documentation has been provided. The onus is on the applicant/agent to provide the specific information required to validate your application at the outset. Without this the application will be invalid which will delay the statutory start date. This guide should be read together with the relevant guidance notes for each type of application, available to view on the Planning Portal when you submit your application online. Some of the requirements are National Requirements and some are Local Requirements which have been adopted by the Council. For simplicity, no differentiation is made in this document between the two types of requirement.

What happens if my application is invalid?

We will email you and advise you that you did not submit the correct documentation for a valid application. We will hold the application open for 21 days and ask you to submit the necessary documentation within the 21 day period. If we do not receive the information within this timeframe we will close our file and take no further action on the application. Your application fee will be returned after deduction of an administration charge. If you wish to continue after this stage you will need to start again and resubmit a new application with all the correct documentation/information.

Validation disputes

If you disagree with our reasons for invalidating a planning application and negotiation with us has failed, you may send a notice to us setting out your reasons for refusing to supply the information under Section 12 of the Development Management Procedure Order 2015. You must have submitted all the other information needed to validate the application together with the fee. We will then either agree and validate the application or disagree and issue a Non Validation Notice against which you may then appeal under Section 78 of the Town and Country Planning Act 1990.

Diversity

Our Diversity Policy promotes inclusion for all sectors of the community and applications/supporting information, along with any representations received from the public, will be checked for any inappropriate comments. Only planning related matters can be considered, and any comments regarding disability, race or ethnicity, religion or belief, sexual

orientation or gender reassignment or that are defamatory, prejudiced or otherwise likely to cause offence to the subject of the comments or any other reader will be removed. Any comments that are considered to constitute hate incidents or hate crimes may be passed to the police

Data Protection

All applications and supporting documentation will be published on the website. Private telephone numbers, private email addresses and signatures will be removed prior to publication. We are committed to ensuring that your privacy is protected by adhering to the EU General Data Protection Regulation (GDPR). Any personal information provided will be used by us solely for the purpose of processing your application and contacting you regarding this. The data will be processed in accordance with our full [privacy policy](#).

1. APPLICATION FORM – Required for all applications

- 1.1. All applications must be submitted on the appropriate Householder application form with the exception of development relating to a flat which must be submitted using a full planning application form.
- 1.2. Ownership certificate A, B, C or D on the application form must be completed stating the ownership of the application site. This also incorporates the Agricultural Land Declaration.
 - complete Certificate A if you own all of the land (freehold or leasehold of more than 7 years) and do not have agricultural tenants.
or
 - complete Certificate B, C or D if you do not own all the land or if you have agricultural tenants on the land. This includes situations where the development overhangs the boundary with the adjoining property/land.
 - Certificate B – Complete this if you know who the owners/agricultural tenants are. State the names and addresses of these people on the application form. You also need to serve 21 days' notice on them, before you submit the application
 - Certificate C – This is a combination of the circumstances described in Certificates B and D and should be completed accordingly.
 - Certificate D – Complete this if you do not know any of the owners. Specify the steps you have taken to find the owners e.g. land registry search. You must advertise the application in a local newspaper at least 21 days before submission.
- 1.3. The application form must be signed and dated and all questions on the form must be answered fully and accurately.
- 1.4. The correct full fee must be submitted with the application. [Schedule of fees and fee calculator](#)

2 PLANS REQUIRED

All plans must:

- be to a recognised metric scale (e.g. 1:50 etc) which is marked clearly on the plan.
- include a scale bar so that the scale can be checked for accuracy
- be clearly marked with the direction of North;
- have the size of the plan (A3, A2 etc) marked on the plan.
- have a unique drawing number shown on the plan
- have an appropriate description/title marked on the plan
- belong to you as copyrighted plans cannot be accepted
- be submitted as a single PDF of one page (not packaged together), correctly orientated for on-screen display
- be of a quality and resolution that will be clear to view by the public when uploaded onto the website.

2.1 Site Location Plan - existing (this is the plan that outlines the site in a red line with any other owned land in blue line)

Required for all applications.

- a) Must be up to date
- b) normally at a scale of 1:1250 (or 1:2500 if appropriate)
- c) showing the full site, all site boundaries, adjoining properties and, where possible, at least two named roads
- d) the properties shown should be numbered or named so that the exact location is clear
- e) the proposed site **must be clearly edged with a red line** to include all land necessary to carry out the proposed development - normally to the boundary. Ordinarily we would expect the red-line for a householder application to include the house and all of its garden (including access to the edge of any adjacent highway), but to exclude any adjacent agricultural land for which change of use to residential has never been secured. Any other land within your ownership or control should be edged with a blue line.

Please note that we cannot accept copies of land registry plans due to copyright issues. There are many companies that provide site location plans or the Planning Portal has an [accredited supplier for planning maps](#).

2.2 Block Plan – must provide an existing block plan and a proposed block plan

Required for all applications showing

- a) at a scale of 1:500, 1:200 or 1:100 depending on the size of the site
- b) the proposed development
- c) all site boundaries, existing buildings, roads, tracks, footpaths and access arrangements on the site
- d) any buildings to be demolished
- e) all buildings, roads, tracks, footpaths and access arrangements on land adjoining the site
- f) all public rights of way crossing or adjoining the site
- g) existing and proposed parking provision
- h) the position of all trees on the site, including those on adjacent land that could influence or be affected by the development; with proposals for removal/retention/new planting indicated
- i) the position of all hedges on the site, including boundary hedges, other vegetation, ponds, watercourses, walls, banks & historic features with proposals for removal/retention indicated

- j) the extent and type of any hard surfacing
- k) boundary treatment including walls or fencing where this is proposed
- l) ground levels across the site and floor levels, existing and proposed including any retaining walls
- m) route line of all existing and proposed services

2.3 Elevation drawings – must provide both existing elevation drawing and proposed elevation drawing

Required for all applications for new, altered, replacement or extended buildings.

- a) at a scale of 1:50 or 1:100
- b) showing all affected elevations in full.
- c) Showing proposed building materials, style and finish of the building and windows and doors
- d) showing any other buildings that are attached to the elevation and where possible the main features of that adjoining building (e.g. details of doors, windows on the same elevation of an adjoining terraced or semi-detached dwelling).
- e) label orientation of elevations e.g. north, south etc.

2.4 Floor Plans – must provide both existing floor plan and proposed floor plan

Required for all applications for new, altered, replacement or extended buildings.

- a) At a scale of 1:50 or 1:100
- b) explaining the proposal and usage in detail
- c) showing the entire floor area for any existing building as well as the proposed development.
- d) showing new buildings in context with adjacent buildings.
- e) showing any buildings or walls to be demolished

2.5 Existing and proposed site sections and finished floor and site levels

Required for all proposed new buildings or where there are variations in site levels.

Levels may be evident from floor plans and elevations, but particularly in the case of sloping sites it will be necessary to show how proposals relate to existing ground levels or where ground levels outside the extension would be modified.

- a) at a scale of 1:50 or 1:100
- b) showing a cross section(s) through the proposed building(s).
- c) where the proposal involves a change in ground levels, showing both existing and finished levels fixed to a datum point off site and also show the proposals in relation to adjoining buildings.

2.6 Roof plans – must provide both existing roof plan and proposed roof plan

Required where there are new roofs or alterations to existing roofs.

- a) at a scale of 1:50 or 1:100.
- b) showing the shape of the roof and roofing materials.

2.7 Specialist Plans

May be required to show specific details in a larger scale

- a) at a scale of 1:5, 1:10 or 1:20
- b) where certain issues such as the detail of window joinery is required e.g. for Listed Buildings

2.8 Photos of site and immediate environment

Required – up to date photographs showing the site and the immediate vicinity to assist in the understanding of the site and development when processing the application

2.9 Non Material Amendment applications

These types of applications must include a plan/set of plans that are annotated to clearly identify the changes proposed to the original approved drawings

3 ADDITIONAL INFORMATION REQUIRED

3.1 Arboricultural Survey and Tree Protection Plan

Required for:

Applications where the answer to the Trees and/or Hedges questions on the application form is 'Yes'

Guidance, Policy background and further information sources:

Trees to be felled and trees to be retained should be clearly marked on a tree constraints plan which also shows the proposed development. This should show root protection areas and the canopy spread of the trees. The species of the trees should also be marked. This could all be included in the Block Plan.

Further Information:

[Teignbridge District Council Trees and Development Supplementary Planning Document.](#)

3.2 Biodiversity – Bats and Birds Survey Reports

Required for:

Applications, including Listed Building Consent, involving:

- Works to buildings or structures known or suspected to support bats
- Demolition of buildings or parts of buildings
- Works to pitched roofs including:
- Replacing tiles, slates, or other roof covering
- Loft conversions
- Roof raising
- New windows or other accesses into roofs
- Extensions joining into existing roofs, including at gable ends or eaves
- Solar panels
- Works involving removal/replacement of external timber cladding or hanging tiles
- Works to cellars or other underground structures other than drains/sewers
- Wind turbines
- Felling of, or works to, trees with holes, cavities, cracks or other bat roost potential

Unless:

- The house was built less than 15 years ago without specific bat provision incorporated
- Works are to a flat roof
- Works are to a greenhouse, glasshouse or glass/perspex/transparent polycarbonate-roofed conservatory
- Works are to an out-building with single-skin roof and single-skin walls made of wood, metal, brick, concrete block or plastic?"

Guidance, Policy background and further information sources:

All Surveys must be up-to-date (less than 2 ½ years old at time of submission) and produced by a licensed bat consultant (with licence number quoted in the report). See [Bat and Bird Surveys web page](#) for more information and contacts.

A licenced bat consultant will be needed to undertake the survey(s) and produce the report unless they consider that a full report is not required (e.g. the building is of negligible roost suitability and no evidence of or potential for bats is found). In these cases a letter from the licenced bat consultant stating why a full report is not required, and including robust justification and photographic evidence to support the conclusion, may be submitted instead.

If your bat consultant considers that Emergence Surveys or other additional surveys are needed, these must be undertaken and the results submitted with the application.

Bat and Bird Survey Reports must be carried out to current [Bat Conservation Trust Survey Guidelines](#) and include date of survey, methodology used, evidence found, assessment of impacts on protected species, mitigation/compensation for impacts, details on how these will be delivered and a scheme for monitoring effectiveness of mitigation/compensation. The necessary surveys may need to be undertaken over an extended period prior to submission of any application.

Where surveys can only be done at certain times of the year you must make sure that the report has been commissioned and received and submitted with your application. We will not hold on to invalid applications awaiting reports.

Please note that DCC have a checklist on their website re whether or not a wildlife report should be submitted with a planning application, but it does not cover our criteria and so a negative outcome on this checklist cannot be accepted as a reason not to submit a survey where this validation guide requires one.

Further Information:

[Natural England Standing Advice for Bats](#)

Teignbridge Contacts:

Website - [Bat and Bird Surveys web page](#)

Email - designandheritage@teignbridge.gov.uk

3.3 Community Infrastructure Levy

Required for:

Any extension over 100m² or any residential annex

Guidance, Policy background and further information sources:

Community Infrastructure Levy (CIL) is charged on residential and out of town retail development under the [Community Infrastructure Levy Regulations 2010](#). The levy is used to pay for improving and providing new infrastructure, including roads, education, recreation and public transport facilities.

A [CIL Additional Information form](#) must be completed and submitted with these applications.

Warning - If the application is approved, with a CIL liability, the applicant must ensure the correct forms are received by the council and the correct procedures are followed before any development including demolition takes place or the full amount including surcharges could become immediately payable and any set offs/exemptions may be forfeit.

Further Information:

[CIL Guidance](#)

[CIL Forms](#)

[CIL web page](#)

3.4 Design and Access Statement

Required for:

All Listed Building Applications.

Guidance, Policy background and further information sources:

Design and Access Statement for Listed Building Consent must:

- explain the design principles and concepts that have been applied to the works
- explain the approach to access, including what alternative means of access have been considered, and how relevant Local Plan policies have been taken into account;
- Detail any consultation undertaken in relation to access issues and how the outcome of the consultation has informed the development
- Explain how any specific issues which might affect access to the development have been addressed.
- Explain how both the design and access elements take account of:
 - The special architectural or historic importance of the building;
 - The particular physical features of the building that justify its destination as a listed building;
 - The building's setting.

Access explanations are not required for listed building consent that only affects the interior of a building.

3.5 Flood Risk Assessment and Surface Water Management

Required for:

- Development in a critical drainage area.
- Development in Flood Zones 2 and 3.

Guidance, Policy background and further information sources

A Flood Risk Assessment (FRA) addressing the issue of flood risk to property and people will be required. The assessment should:

- Identify and assess the risks of all forms of flooding from the development.
- Demonstrate how the flood risks will be managed taking into account climate change.
- Identify opportunities to reduce the probability and consequences of flooding.
- Use and detail Sustainable Drainage Systems (SuDS).

Surface Water Management.

All developments must have an effective and robust surface water system which should not increase flood risk to adjacent properties or land and where possible should make improvements to reduce the risk of flooding.

Applicants must demonstrate how surface water from the development will be disposed of in a manner that does not increase flood risk elsewhere, in accordance with Sustainable Drainage Systems (SuDS) principles. SuDS systems should be designed in accordance with local and national standards.

Further information:

The [Environment Agency Flood Map](#) shows the flood zones

Critical Drainage Area information and maps are available on the Devon County Council Website [Planning and development - Flood Risk Management \(devon.gov.uk\)](#).

They are also available spatially on the [My Neighbourhood Map](#)

3.5 Heritage Statement

Required for:

Listed Building Applications

Dwellings within or adjacent to a [Conservation Area](#)

Dwellings close to a Heritage Asset i.e.

- [Listed buildings](#)
- Scheduled Ancient Monument
- Registered Park or Garden

Site of Archaeological importance

Guidance, Policy background and further information sources:

A Heritage Statement is required for all development affecting Heritage assets (e.g. Listed Buildings, Conservation Areas, Scheduled Monuments, Registered Parks and Gardens, sites of Archaeological Importance)

- It should give a description of the heritage asset and the effect of the development upon the setting of the heritage asset.
- The scope and level of detail should be proportionate to the importance of the heritage asset and will vary according to the extent of the works involved and the circumstances of each application
- It should list the sources of information used and any experts consulted. Useful information can be obtained from the [historic environment record](#) maintained by the Historic Environment Team at Devon County Council and from our [Conservation Area Appraisals](#)

For Listed Building Consent (application for works to a listed building) it should contain a schedule of works to be done, the historic importance of the building and the effect on its setting. Depending on the scale of the works you may also need a structured survey and archaeological assessment.

Where the proposal includes total or substantial demolition of a listed building the statement should include:

- Condition of the building and cost of repair/maintenance in relation to the importance of building and the value derived from continued use
- Efforts made to retain the building in use including open marketing at a realistic price
- Merits of alternative proposals for the site

For planning applications for total or partial demolition in a conservation area it should include a written analysis of the character and appearance of the building/structure, the contribution it makes to the conservation area and a statement on its structural condition. It must also give justification for the proposed demolition including the effect the demolition will have on the special character of the area.

For planning applications affecting (close to) a Listed Building, Scheduled Monument or Registered Park & Gardens it should justify the proposed works and their impact on the setting of the heritage asset. English Heritage should be consulted with regard to any development affecting a Grade I or Grade II* Listed Building, Park or Garden or Scheduled Monument.

For planning applications within or adjacent to a Conservation Area it should include an

assessment of the impact of the works on the character and appearance of the area as described in the [Conservation Area Appraisals](#)

For planning applications involving the disturbance of ground on sites that are known to have or are considered likely to have archaeological remains an applicant may need to commission an assessment of archaeological information and, if required, intrusive archaeological investigations to allow the significance of the archaeology and the impact of the development on it to be understood. The results of this work will need to be included in a Heritage Statement submitted with the planning application. The results should also be added to the [historic environment record](#) at Devon County Council. Areas of archaeological potential tend to be located around known archaeological sites recorded on the Historic Environment Record, Scheduled Monuments and within [Conservation Areas](#).

Further Information

[Government guidance on conserving and enhancing the historic environment](#)
[Section 128 of National Planning Policy Framework](#)

3.21 Manufacturer's details

Required for:

Applications for wind turbines, solar panels, microgeneration, extraction devices etc.

Guidance, Policy background and further information sources:

Manufacturer's specification of device and model type

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PLANNING COMMITTEE

CHAIRMAN: Cllr Colin Parker

DATE:	23 September 2024
REPORT OF:	Head of Development Management
SUBJECT:	Appeal Decisions received during previous calendar month

23/00059/CERT **WHITESTONE** - Chapel Cottage Whitestone
 Appeal against the refusal of planning application
 23/01299/CLDE - Certificate of Lawfulness for existing use of two static caravans as two independent dwellings (Use Class C3)
 Appeal Dismissed. Delegated Decision

24/00012/REF **HENNOCK** - Knighton Stores And Post Office Chudleigh Knighton
 Appeal against the refusal of planning application 23/00829/FUL - Change of use of former Knighton Stores to two ground floor flats
 Appeal Dismissed. Delegated Decision

24/00016/FAST **SHALDON** - Hillside Commons Lane
 Appeal against the refusal of planning application 23/02071/HOU - New vehicle entrance, side extension and balcony to rear
 Appeal Dismissed. Delegated Decision

24/00019/FAST **BISHOPSTEIGNTON** - 26 Teign View Road Bishopsteignton
 Appeal against the refusal of planning application 24/00584/HOU - Proposed loft conversion
 Appeal Dismissed. Delegated Decision

24/00020/FAST

WHITESTONE - Armonija Nadderwater

Appeal against the refusal of planning application 23/01873/HOU
- Two storey side extension, single storey front extension and single storey rear extension

Appeal Dismissed. Delegated Decision

24/00023/FAST

SHALDON - 14 The Saltings Shaldon

Appeal against the refusal of planning application 24/00206/HOU
- Fence (Retrospective)

Appeal Dismissed. Delegated Decision

24/00024/FAST

TEIGNMOUTH - 34 St Marys Road Teignmouth

Appeal against the refusal of planning application 22/02345/HOU
- Retention of altered front balcony

Appeal Allowed. Delegated Decision

24/00025/FAST

BICKINGTON - Kingfishers Manor Mead

Appeal against the refusal of 23/01195/HOU - Garage extension to front

Appeal Dismissed. Delegated Decision

24/00033/REF

STOKEINTEIGNHEAD - Blackleigh Farm Teignmouth Road

Appeal against the refusal of planning application 22/02000/FUL - Change of use of two storage cabins to holiday accommodation with siting of two domes for holiday use

Turned Away. Delegated Decision

PLEASE NOTE THAT THE FULL TEXT OF THESE APPEAL DECISIONS IS AVAILABLE ON THE COUNCIL'S WEBSITE

PLANNING COMMITTEE

CHAIRMAN: Cllr Colin Parker

DATE:	23 September 2024
REPORT OF:	Head of Development Management
SUBJECT:	Major variation applications approved in previous calendar month

None during August 2024

**PLEASE NOTE THAT THE FULL TEXT OF THESE DECISIONS IS AVAILABLE ON
THE COUNCIL'S WEBSITE**

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